

SENATE.

SATURDAY, August 29, 1914.

(Legislative day of Tuesday, August 25, 1914.)

The Senate reassembled at 11 o' clock a. m. on the expiration of the recess.

PROPOSED ANTITRUST LEGISLATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes.

The VICE PRESIDENT. The pending question is upon the amendment of the Senator from Idaho [Mr. BORAH].

Mr. BORAH. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Gallinger	Martin, Va.	Simmons
Bryan	Hitchcock	Martine, N. J.	Smith, Ga.
Burton	Hollis	Myers	Smith, Mich.
Chamberlain	Johnson	Nelson	Sterling
Chilton	Jones	Overman	Swanson
Clapp	Lane	Perkins	Thomas
Clark, Wyo.	Lea, Tenn.	Reed	Thornton
Culberson	McCumber	Sheppard	Vardaman
Cummins	McLean	Shields	White

The VICE PRESIDENT. Thirty-six Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. O'GORMAN, Mr. RANDELL, Mr. SMOOT, Mr. THOMPSON, and Mr. TOWNSEND answered to their names when called.

Mr. BRADY, Mr. WALSH, Mr. DILLINGHAM, and Mr. HUGHES entered the Chamber and answered to their names.

Mr. DILLINGHAM. I wish to announce the continued absence of my colleague [Mr. PAGE] on account of illness in his family.

The VICE PRESIDENT. Forty-five Senators have answered to the roll call. There is not a quorum present. The Sergeant at Arms will carry out the instructions of the Senate heretofore given and request the attendance of absent Senators.

Mr. BANKHEAD entered the Chamber and answered to his name.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He is paired with the senior Senator from Arkansas [Mr. CLARKE].

I wish also to announce the necessary absence of the junior Senator from West Virginia [Mr. GOFF], who has a general pair with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. CLARKE of Arkansas, Mr. POMERENE, and Mr. SHAFROTH entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present. The pending amendment is the amendment of the Senator from Idaho.

Mr. BORAH. My mind was attracted for the moment. I thought the Senator from Texas [Mr. CULBERSON] was going to move an executive session. I understand the bill is now before the Senate and the amendment which is pending is the amendment I offered last evening.

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from Idaho [Mr. BORAH].

Mr. CULBERSON. I ask the Senator from Idaho, if he will yield to me, to make a motion to go into executive session?

Mr. BORAH. I am perfectly willing to yield to the program of the majority, whatever it is.

Mr. CULBERSON. It is thought best to go into executive session immediately.

Mr. BORAH. I yield, if the Senator desires to make the motion.

Mr. SWANSON. Mr. President—

Mr. CULBERSON. I yield to the Senator from Virginia.

PUBLIC BUILDING AT POCATELLO, IDAHO.

Mr. SWANSON. I ask unanimous consent to take up the bill (S. 4920) to increase the cost of construction of Federal building at Pocatello, Idaho. The building is in process of construction, and they have been waiting to see whether the increase requested by the Treasury Department would be allowed or not. The bill increases the cost from \$100,000 to \$125,000. The department recommends the increase, and the work is stopped pending the action of Congress. I ask unanimous consent that the bill may be considered. It is very important that the bill should be passed at once, as the work is stopped.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the act of Congress approved June 25, 1910 (36 Stat., 681), authorizing the Secretary of the Treasury to contract

for the erection and completion of a suitable building, including fire-proof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post office and other governmental offices at Pocatello, Idaho, be, and the same is hereby, amended so as to increase the limit of cost for said building from \$100,000 to \$125,000.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE MERCHANT MARINE.

Mr. CLARKE of Arkansas. On yesterday the House of Representatives sent to the Senate the bill S. 136, commonly known as the seamen's bill, with an amendment. The bill and amendment were laid before the Senate, and on motion of the Senator from Oregon [Mr. CHAMBERLAIN] the Senate disagreed to the House amendment, requested a conference with the House, and conferees on the part of the Senate were appointed by the Presiding Officer.

Mr. President, I was detained from the Senate on yesterday, by illness, and this action was the usual one and it was entirely proper. It is, however, desired that the bill and amendment of the House be referred to the Committee on Commerce. I therefore enter a motion to reconsider the vote by which the Senate disagreed to the amendment of the House, and I move that the House be requested to return the bill and amendment to the Senate.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. CULBERSON. I move that the Senate proceed to the consideration of executive business.

Mr. CLAPP. I hope the Senator from Texas will withhold the motion until the Senator from Nebraska [Mr. NORRIS] returns. He had not finished last evening, and he is the only Senator I know of who intends to speak.

Mr. LEA of Tennessee. If the Senator will yield, I will state that the Senator from Nebraska is on his way, and he will be here by the time the galleries are cleared and the doors closed.

Mr. CULBERSON. I had sent for him.

Mr. LEA of Tennessee. Certainly, there was no attempt to cut him off.

Mr. NORRIS entered the Chamber.

The VICE PRESIDENT. The Senator from Texas moves that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 2 hours and 40 minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (S. 136) to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea, the House amendment thereto, and the message of the Senate requesting a conference with the House thereon.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses to the amendments of the Senate to the bill (H. R. 7967) to amend an act approved June 25, 1910, authorizing a postal savings system.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1657) providing for second-homestead and desert-land entries.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H. R. 11745) to provide for certificate of title to homestead entry by a female American who has intermarried with an alien, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FERRIS, Mr. TAYLOR of Colorado, and Mr. FRENCH managers at the conference on the part of the House.

The message further announced that the House had passed a joint resolution (H. J. Res. 327) to correct error in H. R. 12045, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. SMITH of Michigan presented petitions of sundry citizens of Grand Rapids and Lacota, and of the congregation of

the Westminster Church, of Detroit, all in the State of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Branch, International Union of Steam and Operating Engineers, of Detroit, Mich., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented petitions of the Pattern Makers' Association of Grand Rapids; the International Wood Carvers' Association, of Detroit; of Grand River Lodge, No. 265, Brotherhood of Locomotive Firemen and Enginemen, of Grand Rapids; of Local Division No. 333, Amalgamated Association of Street and Electric Railway Employees of America, of Battle Creek; and of Wayne Lodge, No. 141, Brotherhood of Railroad Trainmen, of Detroit, all in the State of Michigan, praying for the passage of antitrust legislation, which were ordered to lie on the table.

Mr. JOHNSON presented a petition signed by 15 citizens of Gorham, Me., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. NELSON presented a memorial of sundry citizens of the State of Minnesota, remonstrating against a tax on cigars, etc., which was referred to the Committee on Finance.

CONVICT-MADE GOODS.

Mr. NEWLANDS, from the Committee on Interstate Commerce, to which was referred the bill (S. 2321) to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by convict labor, or in any prison or reformatory, reported it with amendments and submitted a report (No. 771) thereon.

OMNIBUS CLAIMS BILL.

Mr. SHIELDS submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

THE EXPORT COTTON TRADE.

Mr. SHEPPARD submitted the following concurrent resolution (S. Con. Res. 32), which was referred to the Committee on Foreign Relations:

Resolved by the Senate of the United States (the House of Representatives concurring), That the Secretary of State is hereby authorized and requested to direct our diplomatic representatives to confer with the various Governments to which they are accredited with a view to the development of all possible measures looking to the uninterrupted continuance during the present wars of our export cotton trade.

That the Secretary of State is also authorized and requested to confer with the Secretary of Commerce and with representatives of foreign Governments in Washington in order to secure their cooperation in the development of such measures and to report to Congress at the earliest practicable date the result of the efforts herein directed.

CONSUMPTION OF COTTONSEED MEAL.

Mr. SHEPPARD submitted the following concurrent resolution (S. Con. Res. 33), which was referred to the Committee on Agriculture and Forestry:

Whereas about 500,000 tons of cottonseed meal and cake have heretofore been annually exported from the United States; and Whereas by reason of war conditions this surplus is without a market abroad, the surplus equaling about one-third of the total output; and Whereas the dumping of this surplus on existing domestic markets will depress the price of this article both as to raw material and finished product to such an extent as to cause disastrous losses to farmers producing the raw material: Therefore be it

Resolved by the Senate of the United States (the House of Representatives concurring), That the Secretary of Agriculture and the Secretary of Commerce are hereby authorized and requested immediately to investigate the possibility of wider domestic markets for these products, especially in the northwest, northern, and northeast sections of the United States, and to report to Congress at the earliest practicable date a plan for acquainting these sections with the value and availability of these products as a feed for domestic animals, and for the marketing in these sections of the surplus of these products heretofore exported.

THE MERCHANT MARINE.

The VICE PRESIDENT laid before the Senate the bill (S. 136) to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea, together with the amendment of the House and the message of the Senate requesting a conference with the House on the disagreeing votes of the two Houses thereon, returned to the Senate in compliance with its request.

Mr. CLARKE of Arkansas. I move to reconsider the vote by which the Senate disagreed to the amendment of the House and appointed conferees thereon.

The motion to reconsider was agreed to.

Mr. CLARKE of Arkansas. I move that the bill and amendment of the House thereto be referred to the Committee on Commerce.

The motion was agreed to.

PROPOSED ANTITRUST LEGISLATION.

Mr. CULBERSON. I ask that the unfinished business be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15637) to supplement existing laws against unlawful restraints and monopolies, and for other purposes.

Mr. BORAH. Mr. President, I desire to modify slightly the amendment which I offered last evening to section 22, upon page 31, and I will state the modification.

The amendment as now offered is to strike out, after the word "justice," in line 7, page 31, the following words:

Nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of or on behalf of the United States.

So that the section will read:

That nothing herein contained shall be construed to relate to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, but the same, and all other cases of contempt not specifically embraced within section 19 of this act, may be punished in conformity to the usages at law and in equity now prevailing.

Mr. President, the effect of this amendment is to provide for jury trials in contempt cases in actions brought by the Government the same as when actions are brought by private individuals; and the effect of it will be to leave all contempt cases triable by juries where a crime has been committed, or where the act done would constitute a crime under the laws of the United States or the laws of the State in which the act was committed. It has the effect of eliminating the exception with reference to Government cases.

I want the Senate to know precisely what we are voting on before we do vote, although I presume most of the Senators, as they are absent, will have to take for granted what we are voting on.

Section 19 provides as follows:

That any person who shall willfully disobey any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia by doing any act or thing therein, or thereby forbidden to be done by him, if the act or thing so done by him be of such character as to constitute also a criminal offense under any statute of the United States, or under the laws of any State in which the act was committed, shall be proceeded against for his said contempt as hereinafter provided.

The Senate will observe that the instances in which the party is entitled to a trial by jury are instances in which the acts committed involve a crime. The objection which I had to that was that section 22 excepted from the operation of section 19 all cases in which the Government might be a party plaintiff, and, as the Government would be a party plaintiff in all suits under the trade commission act, and in a great many cases involving labor disputes as well, that we were practically making no change so far as the great mass of these cases was concerned, and in addition to that we were clearly discriminating against a class of citizens by reason of the fact that the trade commission bill confessedly would operate almost entirely against one class of citizens.

Upon the amendment I ask for a vote by the yeas and nays.

Mr. WALSH. Mr. President, before the vote is taken, I understood the Senator from Idaho to state that if that provision remained in the bill, and questions of the violation of orders made by the court in confirmation of orders made by the trade commission were submitted to a jury for determination, it would result in the immediate repeal of the trade commission bill.

Mr. BORAH. The Senator understood me to say that?

Mr. WALSH. Yes.

Mr. BORAH. Does the Senator mean on yesterday afternoon?

Mr. WALSH. As I recall, day before yesterday.

Mr. BORAH. No; I did not say that. I said that in my judgment it would lead to a reconsideration of that measure, and I assumed that for the reason that the chairman of the Interstate Commerce Committee seemed to think the sole virtue of that bill, so far as its enforcement was concerned, arose out of the fact that these men could be gathered up and fined by the court without the delay of a jury trial.

Mr. WALSH. I will state that I understood the Senator to say that if the trust magnates, against whom the orders went, were awarded a trial by jury as to whether or not they had violated the order of the court confirmatory of the order of the commission, it would result in the repeal of the trade commission law.

Mr. BORAH. No; although I would be very glad myself to see the trade commission bill repealed. I am opposed to it now, and I expect to be opposed to it so long as I retain my right mind; but what I said was this: I do not know the exact language I used, but this was the purport of my remark:

The Senator in charge of the trade commission bill relied upon the effectiveness of the trial by court in contempt cases to make that law particularly efficient, and I said that in my judgment if we undertook to give the business men of this country a trial by jury it would lead to a reconsideration of that bill. This bill will affect all classes of business men.

Mr. WALSH. Then I simply desire to inquire of the Senator from Idaho whether it is to that end that he now offers the amendment?

Mr. BORAH. No; Mr. President, it is not to that end that I offer it, but I should not have any objection at all if it had that effect. I have no hesitancy in saying that I am unalterably opposed to section 5 of the trade commission bill; but I am offering this amendment because I thoroughly agree with the very masterly argument of the Senator from Montana as to the right of trial by jury in these cases, and since the Senator has raised the question I submit to the Senator himself that the argument he advanced in favor of this proposition was an argument in favor of my amendment.

The Senator says:

There is not an argument that can be advanced or thought of in opposition to trial by jury in contempt cases that is not equally an argument against the jury system as we now know it.

The Senator very properly puts it upon the broad ground of the right of the citizen to have his guilt or innocence determined by his peers, and the Senator will agree with me that the right can not be changed by reason of the fact that a particular party happens to be a plaintiff in one case and another party a plaintiff in another case.

The Senator further says in his argument:

My own firm conviction is that a jury of citizens, selected in the manner provided by law, from among the citizens of the State, representing them in the performance of an important public duty, would not prove recreant. Their verdict would silence caviling and strengthen in the minds of the people the conviction that the courts are indeed the dispensers of justice and not engines of oppression.

Whatever feeling I may have against the trade commission bill, I can say in all sincerity to the Senator that if there were no trade commission bill I should be in favor of this amendment. The fact that it may have a tendency to force a reconsideration of some of the provisions of the trade commission bill does not cause me to urge it with any less zeal, however.

Mr. JONES. Mr. President, I am going to take this opportunity to say just a few words as to what this bill does with reference to taking away the power of the court to punish contempts.

The impression seems to be prevalent in the country that if the provisions of this bill are enacted into law it will take away practically all the power of the court to punish for contempts committed out of the presence of the court; and I have received a good many telegrams and letters stating that the parties sending these telegrams and letters were informed that this bill makes of the court solely an arbitrator in the matter of contempt. The discussion on the floor of the Senate also has proceeded very much along that line.

It seems to me we have taken the position of a sort of a legislative Don Quixote, fighting a big windmill. We have been discussing a proposition not in the bill at all. The Senator from Montana [Mr. WALSH] yesterday made a very powerful argument, and one with which I very largely agreed; and yet, if that address were published in the papers the people would have the right to assume that this bill practically places in the hands of a jury the decision of all matters of contempt. Of course, I know the Senator did not intend it to give that impression, but the argument he presented was very strong, and I think very clear and very convincing, to the effect that in practically all contempts committed away from the presence of the court it would be well to submit the question of the facts, at least, to the judgment of a jury, and that seems to be the impression the country has with reference to this legislation.

That impression has been given out by the newspapers, and I think the discussion here has probably warranted them in that conclusion, but, as a matter of fact, in the provisions of this bill we have not done anything of the kind. As a matter of fact we are doing very little toward taking away the power of the court with reference to punishing contempts. We are taking very few cases and putting them in the hands of a jury to determine whether or not punishment for contempt shall be inflicted.

I simply wish to call attention to what the Senator from Idaho suggested a moment ago. I desire to emphasize how little we are doing in this direction, and correct, if I can, the prevailing impression as to the scope of this legislation.

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Washington yield to the Senator from Colorado?

Mr. JONES. Certainly.

Mr. THOMAS. I merely wish to suggest, as appropriate to the Senator's argument, that the exceptions are those which can be availed of by employer and employee alike.

Mr. JONES. Certainly. I do not think there is any particular discrimination. Some injustice might work out along the line suggested by the Senator from Idaho, I think, because of the character of other laws we have passed; but I can not see any class distinction in the provisions of this legislation.

But what have we done, what are we doing, with reference to placing in the hands of juries matters of contempt? Section 19 covers that point, and it simply provides what I shall read. It has been read several times; but I merely desire to emphasize it, and, if possible, to call the attention of the country and the business men who are very much disturbed over the idea that we are taking away from the courts the power to punish contempt the fact that we go just a very little way; that we are still leaving in the hands of the court the great mass of the power it now has to punish for contempt of its orders; and that the business interests need have no fears whatever from this legislation. If any criticism might justly be made, it would come from those who want legislation to go further along these lines.

Section 19 provides:

That any person who shall willfully disobey any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia—

Shall be tried by a jury only—

if the act or thing so done by him be of such character as to constitute also a criminal offense under any statute of the United States, or under the laws of any State in which the act was committed.

So that before any person can be tried by a jury upon the charge of having violated a decree or order of the court, the act with which he is charged as being in contempt must be, in and of itself, a crime and contrary to some law of the United States, or the law of some State. This applies also only to orders of the district courts; contempts of orders of all other courts must be had as now.

That excepts, as the Senator from Idaho says, the great mass of contempts and charges of contempt; and as the bill now stands there is a further limitation even upon the right to have a trial by jury. It is contained in section 22, to which the Senator from Idaho has referred. In that section it is provided that if the alleged contempt, even though it may be a crime, even though it may be a violation of a law of the United States or some law of the State, is committed in a case in which the United States is a party, it is to be tried in the ordinary way, by the court itself. That further restricts the provision the committee has made for the trial of contempts by juries.

I do not see any real, substantial objection to the proposition made by the Senator from Idaho. If a man is entitled to be tried by a jury for a contempt which is a crime in a case between private parties, I can not see why even if the United States is a party, and he commits what is alleged to be a crime, a violation of a law, he should not then be entitled to his trial by jury. Why should the United States be given a preference over an ordinary citizen? If any, exception should be made in favor of the weak citizen rather than in favor of the powerful Government. With that provision we would not be going very far in providing for the ascertainment of the facts in these contempt cases by a jury. I think the amendment offered by the Senator from Idaho should be adopted.

Briefly, then, all that we are doing by the legislation proposed is simply to say that whenever a contempt is charged that is in itself a criminal act, a violation of a Federal statute or a State statute, in such case, and such case alone, shall the party be entitled to have the issue tried by a jury. All other instances of contempt, all other violations of court orders, must be tried according to the present procedure, by the court itself. As a matter of fact we are doing really nothing—we make a great show, we use lots of words and accomplish practically nothing.

The PRESIDING OFFICER. The Chair will ask the Secretary to state the amendment of the Senator from Idaho as modified.

The SECRETARY. On page 31 of either print, beginning in the old print in line 7, after the word "justice" and the comma, it is proposed to strike out the following words:

Nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of or on behalf of the United States.

Mr. REED. Mr. President, I have for a long time believed that one of the misfortunes or obstacles confronting the courts in the administration of justice is found in the fact that the violation of an order of a court must be tried, or is ordinarily tried, at least, by the judge whose order or mandate has been disobeyed. I think there is great strength in the argument that by submitting the question of fact to a jury we relieve the court from the charge, so frequently made, that the judge who has been offended has sought to punish the man who offended him, and hence can not be impartial.

We had a striking illustration of that in my own State. The case was referred to by the Senator from Montana [Mr. WALSH] in his very able exposition of the question of the right of trial by jury in contempt cases. I have ever since the decision mentioned been impressed with the fact that courts will not lose their real and proper power by submitting the question of fact in contempt proceedings to an impartial tribunal. In the case I refer to a very offensive and libelous editorial was written of the supreme court with reference to a case which was still before the court on a petition for rehearing. The attack was without justification. Our supreme court had always been held in the high respect to which it was justly entitled. A great wave of indignation against this editor followed the publication of his attack.

The supreme court, feeling that it must protect its dignity, summoned the editor before it for contempt and proceeded to inflict a very moderate penalty. At once the wave of indignation which had been created against the editor immediately changed into one of sympathy for him and against the court. It was said that a court that had been attacked was now engaged in using its great power to punish the very man with which it had a personal controversy. If the question of fact could have been submitted to an impartial tribunal, to some court and some jury other than the court that had been attacked, I have not the slightest doubt but that the editor would have received a very severe punishment and the court would have been saved from very great criticism.

I know of other cases somewhat similar. I am perfectly satisfied that if the questions of fact in all contempt cases, save where the contempt is committed in the immediate presence of the court or so near thereto as to be in effect in its presence, the juries will not fail to uphold the dignity of the court and the majesty of the law.

I believe that if it is right to submit questions involving the right of life to a jury it is not dangerous to submit to a jury a mere question of contempt. If we can safely repose in a jury the power to try all questions of property, all questions affecting the honor of the citizen, all questions affecting the liberty of the citizen—to a jury of 12 men—there is nothing unsafe in submitting to the same kind of a tribunal, summoned in the same way, the simple question of fact has this corporation or that individual violated the order of the court. I do not believe that such a procedure will result in lawlessness. I do not believe that it means disrespect for courts. I do not believe that it will drag down our courts. If I did so believe I would certainly not be found advocating the proposition, for I hold to this: The legislative branch of a government may make grievous errors, the Executive may even undertake the exercise of tyrannical power, but so long as the temple of justice stands open, as long as courts have the courage to declare the rights of the citizen as they are preserved in the law, and so long as a man has the right to be tried by a jury of his peers, no nation will ever be really enslaved.

So, Mr. President, I feel that it is safe, that it is proper, to support the amendment offered by the Senator from Idaho. I believe the dignity and authority of the courts will remain unimpaired. At the same time judges inclined to tyrannical practices or who are influenced by prejudice or passion will find a wholesome check has been placed upon unjust and arbitrary punishments.

Mr. STERLING. Mr. President, I think it proper now, while the amendment of the Senator from Idaho is under discussion, to just briefly call attention to an amendment which I myself propose to offer to the provision of the bill relating to jury trials in contempt cases. It seems very appropriate that I should do so in view of the general statements and arguments in regard to the trial of contempt cases by juries. I do not propose to occupy much of the time of the Senate in the discussion now. I had the indulgence of the Senate yesterday in dis-

cussing this proposition at some length, although not expecting to do so before entering into the discussion of the question.

It may be, Mr. President, that I am somewhat old-fashioned in this matter, that I have not kept up with this swiftly moving procession in regard to reforms in procedure, but I can not reconcile myself to the idea that this innovation in our practice is justified or warranted at all. I may stand alone in that position to-day, and I grant you, Mr. President, from some remarks recently made, and on this side of the Chamber, too, the prospect is not encouraging for this amendment of mine, which I think will do away with all the evils which can possibly arise out of prejudice on the part of the judge or the court who issued the order or decree, disobedience to which has brought on the contempt proceeding.

The amendment that I offer is this. After reciting the provisions in the bill, much as they are, with reference to trials for contempt, I provide further:

The written statement of the charge or charges having been furnished the accused as aforesaid, he shall thereupon be arraigned and his plea entered of record. If the accused should plead guilty to the charge, the court shall enter judgment thereon and impose sentence in the case. If he pleads not guilty, the court shall set the case for trial and admit the accused to bail until final determination of the case.

I would be glad if Senators would have the provision of this amendment in mind:

The trial shall be by the court, and witnesses called and examined for and against the accused as in criminal cases. If the accused shall be found guilty, judgment shall be entered accordingly and the punishment prescribed. Said punishment may be by fine or imprisonment, or both, in the discretion of the court: *Provided*, That in cases where the fine is payable to the United States the same shall not exceed the sum of \$1,000 in any case; and in no case shall the term of imprisonment exceed six months.

Now comes the important feature of the amendment, so far as it varies from the provisions of the bill:

If any person who has entered a plea of not guilty to a charge of indirect contempt shall make affidavit that the judge before whom the case is set for trial in the first instance is prejudiced against him and that on account of such prejudice he believes he can not have a fair and impartial trial, such judge shall designate forthwith some other judge to hear and determine the case.

Mr. President, if there is ground, as it seems to me, for trial by jury in contempt proceedings, it is on account of a fear of prejudice on the part of the judge whose order or decree has been disobeyed, and perhaps it is natural that there should be some fear of prejudice on the part of such judge. But, Mr. President, in comparison with the innumerable cases wherein judges who have issued orders have also heard the proceedings for contempt, the cases of abuse or of excessive fines or punishment are exceedingly rare. As I had occasion to say yesterday, it is hard to recall in modern practice or experience where there has been any great oppression on the part of the judge as against the party charged with contempt.

Mr. President, under this amendment the procedure in case the defendant fears that he may not have an impartial trial before the judge who issued the order is not confined to criminal cases alone or to acts involving a crime, but to all cases of indirect contempt, so that any person charged with an indirect contempt under the provision of this amendment, if he fears he can not have a fair and impartial hearing before the judge who issued the order or decree, can, upon an affidavit of prejudice, have another and an impartial judge called in forthwith to hear and determine the case.

I say, Mr. President, a provision like this will do away with the very foundation upon which is urged the claim that contempt cases should be tried by a jury, namely, the possible prejudice of the judge or the court who issued the order.

Furthermore, Mr. President, and briefly, too, we will have done away with the inconveniences in most cases of contempt of a jury trial and the delays occasioned thereby. We will have done away with a further and more important thing—the question of the constitutional power of Congress to require the trial of contempt cases by juries—for I think that under the great weight of authority the power to punish for contempt in disobeying the order of the court is a power inherent in the judicial power itself, and is necessary. In the last analysis, to the very existence of the court, as held in the Carter case. The trial by jury provided for by the Virginia Legislature was there held to be an invasion of this power of the court. In Oklahoma the statute providing for the trials of contempt by a jury has been held unconstitutional; and while, necessarily, the direct question has never been raised in our Federal courts, yet from the many decisions in regard to the inherent power of the court to punish for contempt and which goes along with the judicial power, it may be readily inferred that any provision like this for jury trial will be held unconstitutional.

Then, again, Mr. President, as I said yesterday, there is the grave question of public policy. I wish Senators would give consideration to that. I labor under no illusion, Mr. President

and Senators, in regard to the origin, the foundation, of this proposed legislation. I know whence it springs. I know that it does not spring from labor, from the average laborer, from labor generally—"labor with its hundred hands that knock at the golden gates of the morning"—but it springs from the leaders elected, appointed, or self-constituted of labor unions. This is the origin of the desire for legislation of this kind.

In this connection I call attention to the question of public policy, as far as it is involved here.

Mr. WALSH. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Montana?

Mr. STERLING. I yield.

Mr. WALSH. Before the Senator passes to the consideration of that, I desire to inquire of him whether he has investigated the question of the constitutional power to enact such legislation as is contemplated by his amendment, whereby the contempt of the order of one judge shall be heard and tried before another judge?

Mr. STERLING. I have not investigated it, except with reference to the one point—trial by jury—but it occurs to me, in answer to the Senator from Montana, that there can be no question there. It is not like calling in some other tribunal than a court to try the question of contempt. It remains as in the ordinary case of the prejudice of a trial judge and where under the law on an affidavit of prejudice another judge may be called in to try the case.

Mr. WALSH. Let me say to the Senator from South Dakota that the power has been very seriously and very frequently questioned. That is my recollection.

Mr. STERLING. But it was never held that the power did not exist.

Mr. WALSH. I think if the Senator will examine the reports of my State he will find it was so held.

Mr. STERLING. It has not been held not to exist in South Dakota, and I can hardly conceive of a reason why it should be held not to exist in a case of this kind.

So, referring again briefly to the question of policy, what will be the issue to be tried in a contempt case such as you may easily imagine would come before a Federal district court? A great strike is on and it is charged here is a combination in restraint of trade, in restraint of interstate commerce, and thousands are involved. Leaders are charged with disobedience to the order of the court enjoining certain actions of violence and of boycott. Will the issue be simply as to whether they committed the act? No; but under the latitude allowed or the latitude taken by counsel for the defense in a criminal case, the question likely to be tried before that jury will be as to whether that strike was justifiable or not. I think we should be delivered, our country wants to be delivered, from a proceeding or a situation of that kind and from the evil effects upon society and good government which might flow therefrom.

Mr. President, I believe the proposition for jury trial in this class of cases is dangerous in view of the conditions as they yet exist between combinations of labor and capital in this country, in view of the controversies which may arise between them, and in view, too, of further unreasonable and unwarranted distrust of the court which such legislation is likely to engender. In view of these considerations I think we ought not to make this dangerous innovation and by it depart as we shall from the practice and experience of the centuries in regard to the trial of contempt cases.

Oh, Mr. President, it seems to me that the tendency is here now in various phases of this legislation to go to an extreme. We can avoid that. We can yet have some of the good, wholesome progressive legislation provided for in the trade commission bill and in the antitrust bill now before us without venturing into the field of experiment altogether, and without enacting laws the constitutionality of which or the justice of which will be hereafter questioned.

Mr. McCUMBER. Mr. President, I hope that an amendment as important as this, an amendment as just as this, may receive proper consideration and a reasonable vote in the Senate of the United States.

I have my own convictions upon the law feature of the bill. That conviction, which I arrived at and which I expressed in the beginning of this discussion, has not changed in all the argument that has been produced. It is that that portion of the bill which takes away from the court the right, the privilege, to enforce its own decrees, without the interposition of a jury or any other body that can say, "No; this shall not be enforced," is not a constitutional provision.

I am satisfied that in some character of contempts the question might be submitted to a jury. The question whether the court was unduly abused and brought into contempt by declara-

tions made by any person and any matter that does not go directly to the authority of the court itself to enforce its judgments may probably be left to a jury; but whenever a court has issued an injunction in conformity with its own jurisdiction and its power, I insist that whether the injunction can be stayed by any person or persons is not a question that can be submitted to a jury.

I disagree with my friend who offers this amendment in the assertion that the punishment by contempt has not very often been abused. I insist, Mr. President, that courts have grossly abused that power in the last few years, and I have called attention to a great many of them. I can call attention to one instance in a court where the offense grew out of a condition of this kind: One court had ordered a receiver not to do a certain thing. An appellate court had given instruction that he should do that thing. The first court said the interlocutory injunction was not appealable, and therefore the appellate court had no jurisdiction. The party affected by it submitted the matter to his own attorney, and refused to act one way or the other until he had the advice of that attorney. Within two hours the attorney gave him his advice. His advice was that the appellate court had no jurisdiction, but for his own safety he had better comply with the orders of that court. Within two hours he had complied with the orders of the court. He was brought up on contempt proceedings for obeying his counsel rather than the court for a couple of hours, and he was on two counts sentenced to six months each. In other words, he was sentenced a full year in the penitentiary for having waited until his counsel could advise him upon a proposition.

I am perfectly willing to say, Mr. President, that there has been a case tried not very far from here where there was a question as to the right and authority of labor unions. It was a mooted question. The parties were fighting it out, and because the order of the court was disobeyed for a length of time, until that matter could be settled, a year in the penitentiary was fixed. There is not any man with a sense of justice in his heart who would not say that that punishment under those conditions was an excessive punishment and an abuse, and a gross abuse, of the power that is held by courts in contempt cases.

But for those excesses, Mr. President, I would not deprive or attempt to deprive the court of its authority to enforce its own judgment. In the amendment that has been offered by the Senator from South Dakota [Mr. STERLING] we have a right and we can exercise that right in an act limiting the punishment and seeing to it that no excessive punishment shall be given under the unrestrained power at present of a court to inflict punishment for contempt proceedings. The amendment, at least in my opinion, avoids entirely the question whether or not it is constitutional to grant to a jury the right to determine whether a court shall enforce its own process; but it also guards against the excessive use of the power conferred upon the courts, which, in my opinion, is clearly constitutional. I hope, Mr. President, that instead of going to the great extreme of depriving or attempting to deprive the court of its constitutional powers we shall limit the judgments that may be imposed, and that we shall take steps that will insure a fair trial, not by a prejudiced judge but by an unprejudiced court.

I think the amendment of the Senator from South Dakota ought to be adopted.

Mr. BORAH. The amendment pending is not the amendment of the Senator from South Dakota, but the amendment which I offered, and on that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McCUMBER. Mr. President, before the roll is called I wish to say that I am going to vote for this amendment. I am going to vote for it, not on the ground that I think the courts ought to be deprived of the power to enforce their own judgments, but as the bill now stands I am going to vote to equalize the right of American citizenship.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE], who is detained from the Chamber. I therefore withhold my vote.

Mr. CULBERSON (when his name was called). I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. HOLLIS (when his name was called). I announce my pair with the Senator from Maine [Mr. BURLING] and withhold my vote, unless it is necessary to make a quorum.

Mr. LEA of Tennessee (when his name was called). I transfer my general pair with the senior Senator from South Dakota [Mr. CRAWFORD] to the junior Senator from Kentucky [Mr. CAMDEN] and vote "nay."

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. Unless I can transfer my pair, I shall have to withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. I transfer that pair to the Senator from Indiana [Mr. KERN] and vote "nay."

Mr. WALSH (when his name was called). I am paired with the Senator from Rhode Island [Mr. LIPPITT] and therefore withhold my vote.

The roll call was concluded.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER], which I transfer to the Senator from Indiana [Mr. SHIVELY], and vote "yea."

Mr. SMOOT. I desire to make the following announcement of pairs:

The Senator from Kansas [Mr. BRISTOW] with the Senator from Georgia [Mr. WEST];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Wisconsin [Mr. STEPHENSON] with the Senator from Oklahoma [Mr. GORE];

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE];

The Senator from Wyoming [Mr. WARREN] with the Senator from Florida [Mr. FLETCHER];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH]; and

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES].

Mr. JOHNSON. I transfer my pair with the junior Senator from North Dakota [Mr. GRONNA] to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote. I vote "nay."

Mr. HOLLIS. I transfer my pair with the junior Senator from Maine [Mr. BURLEIGH] to the Senator from New Jersey [Mr. MARTINE] and vote "nay."

Mr. SMITH of Georgia. Mr. President, if no quorum has voted I am at liberty to vote.

The PRESIDING OFFICER. A quorum has not voted.

Mr. SMITH of Georgia. I vote "nay."

Mr. NEWLANDS. I vote "nay."

Mr. WALSH. It appearing that a quorum has not voted, I will vote. I vote "yea."

Mr. WILLIAMS. I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Arizona [Mr. ASHURST] and vote "nay."

Mr. OWEN. I am paired with the Senator from New Mexico [Mr. CATRON] and have no right to vote except where it is necessary in order to make a quorum.

The PRESIDING OFFICER. A quorum has not voted.

Mr. GALLINGER. Let the announcement be made, Mr. President. We have been waiting a good while.

Mr. OWEN. If necessary to make a quorum I have a right to vote.

The PRESIDING OFFICER. It is necessary for the Senator to vote in order to constitute a quorum.

Mr. OWEN. I vote "nay."

The result was announced—yeas 23, nays 20, as follows:

YEAS—23.

Borah	Jones	Norris	Smith, Mich.
Brady	Lane	Perkins	Smoot
Bryan	Lee, Md.	Pittman	Sterling
Burton	McCumber	Poinexter	Vardaman
Chamberlain	McLean	Pomerene	Walsh
Gallinger	Myers	Reed	

NAYS—20.

Bankhead	Lewis	Shafroth	Thomas
Chilton	Martin, Va.	Sheppard	Thompson
Culberson	Newlands	Shields	Thornton
Hollis	O'Gorman	Simmons	White
Hughes	Overman	Smith, Ga.	Williams
Johnson	Owen	Smith, Md.	
Lea, Tenn.	Ransdell	Swanson	

NOT VOTING—47.

Ashurst	Colt	Gronna	Nelson
Brandeggee	Crawford	Hitchcock	Oliver
Bristow	Cummins	James	Pace
Burleigh	Dillingham	Kenyon	Penrose
Camden	du Pont	Kern	Robinson
Catron	Fall	La Follette	Root
Clapp	Fletcher	Lippitt	Saulsbury
Clark, Wyo.	Goff	Lodge	Sherman
Clarke, Ark.	Gore	Martine, N. J.	Shively

Smith, Ariz.
Smith, S. C.
Stephenson

Stone
Sutherland
Tillman

Townsend
Warren
Weeks

West
Works

So Mr. BORAH's amendment was rejected.

Mr. STERLING. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out all of section 19 and section 20 down to and including the word "months," in line 6, on page 30, and in lieu thereof to insert the following:

That any person who shall willfully disobey any lawful writ, process, rule, decree, or command of any district court of the United States or any court of the District of Columbia by doing any act or thing therein, or thereby forbidden to be done by him, if the act or thing so done by him be of such character as to constitute an indirect contempt or a contempt committed out of the presence of the court or of a judge at chambers, shall be proceeded against for his said contempt as herein-after provided.

SEC. 20. That whenever it shall be made to appear to any district court or judge thereof, or to any judge therein sitting, by the return of a proper officer on lawful process, or upon the affidavit of some credible person, or by information filed by any district attorney, that there is reasonable ground to believe that any person has been guilty of such contempt of the court or judge thereof, or any judge therein sitting, may issue a rule requiring the said person so charged to show cause upon a day certain why he should not be punished therefor, which rule, together with a copy of the affidavit or information, shall be served upon the person charged with sufficient promptness to enable him to prepare for and make return to the order at the time fixed therein. If upon or by such return, in the judgment of the court, the alleged contempt be not sufficiently purged, the person charged shall be given a written statement of the charge or charges against him, specifically setting forth the act or acts on which the charge of contempt is predicated: *Provided, however*, That if the accused, being a natural person, fail or refuse to make return to the rule to show cause, an attachment may issue against his person to compel an answer, and where the accused is a body corporate an attachment for the sequestration of its property may be issued upon like refusal or failure to answer. The written statement of the charge or charges having been furnished the accused as aforesaid, he shall thereupon be arraigned and his plea entered of record. If the accused should plead guilty to the charge the court shall enter judgment thereon and impose sentence in the case. If he pleads not guilty the court shall set the case for trial and admit the accused to bail until final determination of the case. The trial shall be by the court, and witnesses called and examined for and against the accused as in criminal cases. If the accused shall be found guilty, judgment shall be entered accordingly and the punishment prescribed. Said punishment may be by fine or imprisonment, or both, in the discretion of the court: *Provided*, That in cases where the fine is payable to the United States the same shall not exceed the sum of \$1,000 in any case; and in no case shall the term of imprisonment exceed six months.

If any person who has entered a plea of not guilty to a charge of indirect contempt shall make affidavit that the judge before whom the case is set for trial in the first instance is prejudiced against him and that on account of such prejudice he believes he can not have a fair and impartial trial, such judge shall designate forthwith some other judge to hear and determine the case.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from South Dakota [Mr. STERLING].

Mr. STERLING. On that I ask for the yeas and nays.

Mr. WALSH. Mr. President, before the question is put on ordering the yeas and nays, I desire to say that I understand the Senator from South Dakota offers the amendment which has just been read not only because he is opposed to the policy of sections 19 and 20 but because he is fearful of the power of Congress to enact legislation of this character; and he offers the amendment to get rid of the constitutional difficulties. He proposes a change of judge. I suggested to him a while ago that he would not obviate the serious constitutional question by the substitute which he offers. I now call his attention to the following from the case of State against Judges, reported in Thirtieth Montana, at page 199:

While respectable authority may be found in support of the contention that it is beyond the legislative power to provide for a change of venue or change of judge in contempt proceedings, it is not now necessary to consider that matter. It is sufficient for this inquiry to say that the legislature did not do so in this instance.

I merely cite this to show that the power of Congress to legislate as contemplated in the amendment proposed by the Senator from South Dakota is by no means free from doubt.

Mr. STERLING. But, Mr. President, the Senator from Montana cites no authority against it. I will venture the suggestion that the proposal contained in my amendment is not nearly so likely to be questioned as is the provision empowering a jury to try a contempt case.

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Dakota, on which he demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). Making the same transfer of my pair as on the previous vote, I vote "nay."

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE], who is necessarily absent by express permission of the Senate. I therefore withhold my vote.

Mr. CULBERSON (when his name was called). Again announcing my pair and its transfer, I vote "nay."

Mr. GORE (when his name was called). I desire to announce my pair with the junior Senator from Wisconsin [Mr. STEPHENSON]. On account of that pair I withhold my vote, but desire to be counted present. I ask that this announcement stand for the day.

Mr. HOLLIS (when his name was called). I transfer my pair with the Senator from Maine [Mr. BURLEIGH] to the senior Senator from New Jersey [Mr. MARTINE] and vote "nay."

Mr. JOHNSON (when his name was called). I transfer my pair with the Senator from North Dakota [Mr. GRONNA], as on the previous vote, to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. LEA of Tennessee (when his name was called). I again announce my pair and its transfer, which announcement I wish to stand for the day. I vote "nay."

Mr. THOMAS (when his name was called). I make the same announcement of my pair and its transfer as on the previous roll call and vote "nay."

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from South Carolina [Mr. SMITH] and vote "nay."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Arizona [Mr. ASHURST], I vote "nay."

The roll call was concluded.

Mr. SIMMONS. I wish to inquire whether the Senator from Minnesota [Mr. CLAPP] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. SIMMONS. I have a pair with the Senator from Minnesota and therefore withhold my vote.

Mr. COLT. I have a pair with the junior Senator from Delaware [Mr. SAULSBURY], who is necessarily absent by reason of illness. In his absence I withhold my vote.

The Secretary recapitulated the vote.

Mr. HOLLIS (after having voted in the negative). The senior Senator from New Jersey [Mr. MARTINE], to whom I transferred my pair, having come into the Chamber, I withdraw my vote, but if it is necessary to make a quorum, I will allow it to stand.

Mr. OWEN. I should like to inquire whether or not a quorum has voted?

Mr. CLARK of Wyoming. Mr. President, under the rules, how can the roll call be interrupted?

Mr. GALLINGER. It can not be.

Mr. OWEN. I desire to vote. I vote "nay."

Mr. SMITH of Georgia. I should like to inquire whether a quorum has voted?

Mr. CLARK of Wyoming. I renew the same point of order, that debate is not in order?

Mr. SMITH of Georgia. I will vote if necessary to make a quorum.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. SMITH of Georgia. I vote "nay."

Mr. GORE. If my vote is necessary to make a quorum, I vote "nay."

Mr. CLARK of Wyoming. Mr. President, I insist that any remarks made beyond a direct answer to the roll call are debate during the calling of the roll, and I therefore object.

Mr. SIMMONS. If I can be counted to make a quorum, I will not vote; otherwise I will vote. I ask the Chair as a parliamentary inquiry whether I will be counted to make a quorum if I do not vote?

Mr. CLARK of Wyoming. I ask that the result of the roll call be announced.

Mr. SIMMONS. Mr. President, I insist that questions of that kind are perfectly legitimate even during a roll call.

Mr. CLARK of Wyoming. Oh, no.

Mr. SIMMONS. If I can not get an answer to my inquiry—

The VICE PRESIDENT. The yeas are 8 and the nays are 40. The Senator from North Carolina.

Mr. SIMMONS. I vote "nay."

The VICE PRESIDENT. The yeas are 8 and the nays are 41. The amendment is lost.

The vote by yeas and nays, the result of which was announced by the Vice President, was as follows:

YEAS—8.

Burton Gallinger	McCumber McLean	Nelson Perkins	Smoot Sterling
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NAYS—41.

Bankhead Bryan Chamberlain Chilton Culbertson Gore Hollis Hughes Johnson Jones Lane	Lea, Tenn. Lee, Md. Lewis Martin, Va. Martine, N. J. Myers Newlands Norris O'Gorman Overman Owen	Pittman Poindexter Pomerene Ransdell Reed Shafroth Sheppard Shields Simmons Smith, Ga. Smith, Md.	Swanson Thomas Thompson Thornton Vardaman Walsh White Williams
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NOT VOTING—47.

Ashurst Borah Brady Brandeggee Bristow Burleigh Camden Catron Clapp Clark, Wyo. Clarke, Ark. Colt	Crawford Cummins Dillingham du Pont Fall Fletcher Goff Gronna Hitchcock James Kenyon Kern	La Follette Lippitt Lodge Oliver Page Penrose Robinson Root Saulsbury Sherman Shively Smith, Ariz.	Smith, Mich. Smith, S. C. Stephenson Stone Sutherland Tillman Townsend Warren Weeks West Works
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So Mr. STERLING's amendment was rejected.

Mr. GALLINGER. I suggest—and I am sure the Chair will sustain me—that the procedure would be much more orderly if the presiding officer would announce simply what the recapitulation shows, and then Senators can vote, if they desire to do so, to make a quorum.

The VICE PRESIDENT. That is the procedure the present occupant of the chair was trying to follow.

Mr. GALLINGER. Exactly; but we have been interrupted three or four times during the roll call by Senators asking if a quorum had voted, and I think that is contrary to the rules.

The VICE PRESIDENT. It does not constitute a decision, as the Chair understands, to say "the yeas are so many and the nays are so many."

Mr. GALLINGER. Certainly not.

The VICE PRESIDENT. It must proceed further than that, and pending that Senators have a right to vote.

Mr. CHILTON. Mr. President, I offer as an amendment the amendment which has been printed and appears on page 3 of the printed amendments on Senators' desks.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In section 9a, page 17, after line 21, it is proposed to insert the following:

That nothing in this section shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof; and a judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts.

Mr. CHILTON. Mr. President, I merely want to state to the Senate that this is strictly within the precedents and was drawn to cover a question which some Senator raised as to whether or not the enactment of section 9a would be held to confer on the United States exclusive jurisdiction of the subject thereof and would take away from the States the right to punish for embezzlement and larceny as therein defined. Under the case in One hundred and eighty-ninth United States, page 324, which I will not read, it was held by the Supreme Court that where the exception specified in the amendment was made the question would not arise. The amendment is in line with the precedents, and I hope it may be adopted.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from West Virginia.

The amendment was agreed to.

Mr. CHILTON. Mr. President, the other day I asked unanimous consent to offer an amendment to the committee amendment on line 12, page 11.

The VICE PRESIDENT. May the Chair inquire as to whether the Senator refers to the reprinted bill or to the old bill?

Mr. CHILTON. I refer to the new bill, the reprint.

The VICE PRESIDENT. It will help the Secretary if the Senator from West Virginia can indicate the place in the old bill, because they have their notes based on the old bill and not the new one.

Mr. CHILTON. I will do that. It is page 10, line 20, of the original print. I asked unanimous consent the other day to insert in line 20, page 10, after the word "anything" and before

the word "prohibited," the word "heretofore," so that that part of the section would read:

That nothing herein shall be held or construed to authorize or make lawful anything heretofore prohibited or made illegal by the antitrust laws.

I take it that of course we did not mean, as the Senator will well understand, to make anything legal by this trust law when we have in fact made it illegal. The intention was to make the exception apply to the Sherman law; that is, something heretofore prohibited. But the Senator from Maryland, who at that time withheld his consent, called my attention to the fact that a still further amendment should be made if that should go in, and that the word "herein" in line 19 should be stricken out and the words "in this section" inserted.

I agree with the Senator that that is proper to make it perfectly clear. Therefore I move that on line 19 the word "herein" be stricken out and that there be inserted in lieu thereof the words "in this section," and that in line 20 the word "heretofore" be inserted before the word "prohibited," so that the paragraph will read:

That nothing in this section shall be held or construed to authorize or make lawful anything heretofore prohibited or made illegal by the antitrust laws.

Mr. THOMAS. Mr. President, I should like to inquire whether, with the word "herein" stricken out and the words "in this section inserted," the bill would not then be open to the objection that other provisions of other sections might legalize something which had heretofore been made unlawful by the antitrust act?

Mr. CHILTON. Oh, no. The only thing about the word "herein" is that we make certain things lawful in this section. That refers to section 8, and it says:

Nothing contained in this section shall be held to affect or impair any right heretofore legally acquired.

Now, we do not want by this act to say that even though that right might have been acquired under the Sherman antitrust law we hereby legalize things which under that law would be illegal.

Mr. THOMAS. If the Senator is satisfied with it, I will accept his view.

Mr. CHILTON. Yes; I am satisfied with it. I ask unanimous consent that the vote by which the amendment was adopted may be reconsidered.

The VICE PRESIDENT. Without objection, the vote whereby the amendment was adopted will be reconsidered. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. WALSH. Mr. President, at the time section 8 was passed I indicated to the Senate that I should move to strike out the words "eliminate or," appearing in line 8 on page 9 of the new print, so that it would read, "where the effect of such acquisition is to substantially lessen competition," because if the competition is eliminated it is lessened. That is to say, that is also embraced.

The VICE PRESIDENT. May the Chair inquire where it is in the old bill?

Mr. CHILTON. It is on page 9, line 15, of the old bill. That is what the Senator is speaking of.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 8, line 17, the Senator from Montana moves to strike out the words "eliminate or."

Mr. THOMAS. Mr. President, in the old print I notice that the expression appears twice, once at the bottom of page 8, and again in lines 15 and 16 on page 9.

Mr. WALSH. I will say to the Senator from Colorado that I intend to offer that amendment next.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WALSH. I likewise call attention to the fact that the concluding words of the paragraph, "or to create a monopoly of any line of trade," the word "commerce," being substituted for "trade," should be stricken out, because that is clearly already a violation of the Sherman Antitrust Act, section 2.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 9, in line 3, it is proposed to strike out the words "or to create a monopoly of any line of commerce."

Mr. REED. Mr. President, there is a radical difference between the bill as reported by the committee and as it came from the House, which is found in the sentence now sought to be amended, in lines 10 and 11. In the bill as it came from the House the language was:

Or to create a monopoly of any line of trade in any section or community.

Mr. CHILTON. What is the Senator referring to now?

Mr. REED. The Walsh amendment, and I am referring to the print of August 28.

Mr. CHILTON. Oh, yes—lines 10 and 11?

Mr. REED. Yes.

Mr. CHILTON. I see.

Mr. REED. The committee for some reason struck out the word "trade" and the words "in any section or community" and substituted for those words the word "commerce," so that the section as reported, instead of reading "or to create a monopoly of any line of trade in any section or community," would read "to create a monopoly of any line of commerce."

Mr. CULBERSON. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Texas?

Mr. REED. I do.

Mr. CULBERSON. I call the Senator's attention, as a member of the committee, to the fact that the word "trade" was stricken out and the word "commerce" included because the word "commerce" is defined by the first section of the bill and the word "trade" is not; and the words "in any section or community" were stricken out because of the fear that that was intended to apply to a local transaction and would be a regulation of intrastate commerce rather than interstate commerce, and therefore void.

Mr. REED. Mr. President, the change of the word "trade" to the word "commerce" is very proper. I have no objection to that. The House bill distinctly aimed at the creation of a localized monopoly or a localized restraint, as distinguished from a general restraint or a general monopoly. If the bill is to stand as reported by the committee, then I think the amendment offered by the Senator from Montana is all right; but my preference upon this section is very strongly in favor of retaining the phrase "in any section or community," because I believe we will be able in some instances to reach a condition which probably can not be reached under the Sherman Antitrust Act.

I do not agree that the bill is susceptible of the construction suggested by the chairman, namely, that because the words "in any section or community" are to be found in the bill, that will be held to be a regulation of intrastate commerce, because the other clauses of the bill would control, and as we are legislating only with reference to interstate commerce this language would be construed to apply to the creation of a local restraint by some one engaged in interstate commerce, and the restraint must be applied to interstate commerce and nothing else.

Mr. WALSH. Mr. President, let me ask the Senator from Missouri whether, if the amendment offered by me is adopted, it will not be entirely unnecessary to consider that question?

Mr. REED. Not if I understand the Senator's amendment. What is the point? I do not catch it.

Mr. WALSH. If all the language I now move to strike out, "or to create a monopoly of any line of trade," or, as it now reads, "any line of commerce," striking out also the words "in any section or community"—if all that is stricken out, then it will not be necessary to consider the matter now advanced by the Senator from Missouri. If, however, the language is left in as it is, then his observations will be pertinent.

Mr. REED. Does the Senator propose to strike out all of that matter?

Mr. WALSH. Yes.

Mr. REED. Mr. President, I think this is as good a time as any to present this matter in a little different shape; and if the amendment to the amendment which I now propose is accepted it will cover the whole question.

I move, as a substitute for the amendment offered by the Senator from Montana, that section 8 be amended so that it will read as follows:

That no corporation engaged in commerce shall acquire, directly or indirectly the whole or any part of the stock or other share capital of another corporation engaged also in commerce in the same line or lines of business.

Mr. President, we have taken much time on this bill. There has been a great deal of haggling over this section.

Mr. THOMAS. Mr. President, may I inquire whether that is intended as a substitute for the entire section, or merely for the first paragraph?

Mr. REED. It is intended as a substitute for the first paragraph, and is so stated in the print.

If I can get the attention of the Senate just a moment upon this matter, long enough to state it so that everybody has his attention directed to it, I shall be content.

One of the greatest evils we have to meet to-day is the device by which one corporation controls another corporation. That was, as has been often said in these debates, illegal at common

law. It was beyond the power of one corporation to own the stock of another corporation, and for manifest reasons which I need not pause now even to mention.

Gradually, in State after State, corporations have slipped amendments into State statutes abrogating that old rule, and immediately corporations began extending their influence through a chain of corporations. These corporations that were controlled frequently were controlled secretly. Frequently the minority stockholders were in this way practically deprived of any voice whatever in the corporations. Frequently a local corporation found a majority of its stock owned by some foreign or distant corporation, and accordingly its control taken over.

I might dilate upon these evils, but they are understood, and they are recognized, too, by this legislation; but the legislation as it is now proposed has so many exceptions and introduces so many doubtful questions that I think it will amount to but little. For my part, I stand ready to vote for a bill that will prohibit any corporation from owning the stock of any other corporation, the two being engaged in interstate commerce; but I am offering an amendment very much milder than that. It simply proposes that a corporation engaged in interstate commerce shall not own the stock of another corporation engaged in the same line of business, to wit, a corporation which is naturally competitive. That does away entirely with all the difficulties that were raised here a day or two ago in the debate, when it was said that it would be difficult to ascertain whether in fact a corporation was competing or not, a difficulty which appears upon the face of the amendment which is now before the committee.

What harm will come, what wrong will come, from saying to a corporation that is engaged in interstate commerce, "You can not own the stock of another corporation engaged in the identical line or lines of business in which you are engaged"? This applies only to trade and commerce. It does not apply to a bank; it does not apply to a corporation that is engaged in intrastate commerce; and it strikes at the very root of this evil. It can be safely enacted into a statute. It saves all the equivocation and all the trouble that will arise from construction of the section as written.

It is easy to ascertain whether a corporation is engaged in the same line or lines of business in which another corporation is engaged, but it is very difficult to tell whether the ownership of stock has substantially lessened competition, and yet there may be a very grave lessening of competition. You avoid the difficulty of proving that most difficult question of fact.

I really think the chairman of the committee might consider whether he could not accept this amendment.

Mr. THOMAS. Mr. President, I am in sympathy with the Senator's amendment; but I should like to ask whether, unless it is designed as a substitute for the second paragraph of section 8 also, it would go as far as it should go. In other words, I wish to ask whether, if his amendment should be adopted as a substitute for the first paragraph of section 8, its effect would not be largely neutralized by the recitals of the second paragraph, beginning with line 21 of the old print, line 12 of page 9 of the new print.

Mr. REED. I think the first part of the clause to which the Senator calls attention—

This section shall not apply to corporations purchasing such stock solely for investment and not using the same by voting or otherwise to bring about, or in attempting to bring about, the substantial lessening of competition—

Mr. THOMAS. No; my question did not refer to that, but to the preceding paragraph. That is the third paragraph which the Senator reads. The paragraph beginning with line 12 of the new print, which the Senator has, is the one to which my question is directed.

Mr. REED. Mr. President, I think a similar amendment ought to go in the next section. In fact, I feel pretty sure it should. Just at present I have offered it as to the first section, and if it is accepted I shall offer it as to the next section.

Mr. CULBERSON. In answer to the inquiry of the Senator from Missouri, I will say frankly that I have not had an opportunity to consult the committee and am not authorized to accept the amendment proposed. Only a few of them are within reach, and they are divided on the question.

Mr. REED. Mr. President, just a final word. If this amendment is accepted as to the first paragraph—and it does seem to me it should be, if we are to breathe any real vitality into this section; at least, it will remove many difficulties from the enforcement of it—I will then offer it as to the second paragraph.

That is all I care to say. I think I have stated my position, and I will let the Senate vote.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Missouri.

Mr. REED. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JONES. Mr. President, let us have the amendment stated.

The VICE PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. It is proposed to strike out the first paragraph of section 8, on page 8, and in lieu of the words stricken out to insert:

That no corporation engaged in commerce shall acquire, directly or indirectly, the whole or any part of the stock or other share capital of another corporation engaged also in commerce in the same line or lines of business.

The Secretary proceeded to call the roll.

Mr. CULBERSON (when his name was called). Again announcing my pair and its transfer, I vote "nay."

Mr. HOLLIS (when his name was called). I withhold my vote unless it is necessary to make a quorum.

Mr. O'GORMAN (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. In his absence I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE], but I am at liberty to vote. I vote "nay."

Mr. THOMAS (when his name was called). I announce the same pair and transfer as heretofore and will vote. I vote "yea."

Mr. WALSH (when his name was called). I announce my pair with the senior Senator from Rhode Island [Mr. LIPPITT] and withhold my vote.

Mr. WILLIAMS (when his name called). Repeating the announcement made on the last roll call concerning both my pair and its transfer, I vote "yea."

The roll call was concluded.

Mr. CLARK of Wyoming. I desire to announce my pair with the senior Senator from Missouri [Mr. STONE], who is absent by permission of the Senate, and I withhold my vote.

Mr. CHAMBERLAIN. Again transferring my pair, I vote "yea."

Mr. JOHNSON. I transfer my pair, which I have previously announced, to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. SMITH of Maryland (after having voted in the negative). The Senator from Vermont [Mr. DILLINGHAM], with whom I am paired, is not here. I therefore transfer my pair with him to the junior Senator from South Carolina [Mr. SMITH] and will allow my vote to stand.

Mr. GALLINGER. I announce my pair with the junior Senator from New York [Mr. O'GORMAN] and withhold my vote.

The Secretary recapitulated the vote.

Mr. OWEN. I vote "yea."

Mr. HOLLIS. I vote "yea."

Mr. WALSH. Being informed that no quorum has voted, I vote "yea."

The VICE PRESIDENT. On the amendment offered by the Senator from Missouri [Mr. REED] the yeas are 21 and the nays are 24.

Mr. GALLINGER. I will transfer my pair—

Mr. O'GORMAN entered the Chamber.

Mr. GALLINGER. The Senator from New York is here. I vote "yea."

Mr. O'GORMAN. I vote "nay."

Mr. BORAH. I vote "yea."

The VICE PRESIDENT. The yeas are 23 and the nays are 25. A quorum has not voted.

The vote by yeas and nays, the result of which was announced by the Vice President, was as follows:

YEAS—23.

Borah	Jones	Norris	Thomas
Burton	Lane	Owen	Vardaman
Chamberlain	Lea, Tenn.	Perkins	Walsh
Clapp	McCumber	Poin Dexter	White
Gallinger	Martine, N. J.	Reed	Williams
Hollis	Nelson	Sterling	

NAYS—25.

Bankhead	Martin, Va.	Ransdell	Smoot
Bryan	Myers	Shafroth	Swanson
Chilton	Newlands	Sheppard	Thompson
Culbertson	O'Gorman	Shields	Thornton
Hughes	Overman	Simmons	
Johnson	Pittman	Smith, Ga.	
Lewis	Pomerene	Smith, Md.	

NOT VOTING—48.

Ashurst	Burleigh	Clarke, Ark.	Dillingham
Brady	Camden	Colt	du Pont
Brandegee	Catron	Crawford	Fall
Bristow	Clark, Wyo.	Cummins	Fletcher

Goff	Lee, Md.	Root	Stone
Gore	Lippitt	Saulsbury	Sutherland
Gronna	Lodge	Sherman	Tillman
Hitchcock	McLean	Shively	Townsend
James	Oliver	Smith, Ariz.	Warren
Kenyon	Page	Smith, Mich.	Weeks
Kern	Penrose	Smith, S. C.	West
La Follette	Robinson	Stephenson	Works

The VICE PRESIDENT. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hughes	Overman	Smoot
Borah	Johnson	Owen	Sterling
Bryan	Jones	Perkins	Swanson
Burton	Lane	Pittman	Thomas
Chamberlain	Lea, Tenn.	Polindexter	Thompson
Chilton	Martin, Va.	Pomerene	Thornton
Clapp	Martine, N. J.	Reed	Vardaman
Clark, Wyo.	Myers	Shafroth	Walsh
Culberson	Nelson	Sheppard	White
Dillingham	Newlands	Shields	Williams
Gallinger	Norris	Simmons	
Hollis	O'Gorman	Smith, Md.	

The VICE PRESIDENT. Forty-six Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators.

Mr. CLAPP. As is well known, the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent from the Chamber on account of sickness. I do not care to make the announcement every day; but still, I presume, in justice to him, it should appear while his sickness lasts, especially where it seems difficult, as now, to get a quorum. I therefore make the announcement.

Mr. FALL and Mr. SMITH of Georgia entered the Chamber and answered to their names.

Mr. WHITE. The junior Senator from Maryland [Mr. LEF] is absent on account of the sickness of a relative.

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is not a quorum present. The Sergeant at Arms will carry out the instructions of the Senate heretofore given and request the attendance of absent Senators.

Mr. LEWIS entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-nine Senators have answered the roll call. There is a quorum present.

RECESS.

Mr. CULBERSON. I move that the Senate take a recess until 11 o'clock Monday.

The motion was agreed to; and (at 4 o'clock and 13 minutes p. m. Saturday, August 29, 1914) the Senate took a recess until Monday, August 31, 1914, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 29 (legislative day of August 25), 1914.

ASSOCIATE JUSTICE OF THE SUPREME COURT.

James Clark McReynolds to be Associate Justice of the Supreme Court of the United States.

ATTORNEY GENERAL.

Thomas Watt Gregory to be Attorney General.

UNITED STATES ATTORNEY.

Myron H. Walker to be United States attorney, western district of Michigan.

RECEIVERS OF PUBLIC MONEYS.

William W. Ventress to be receiver of public moneys at Baton Rouge, La.

James L. Travers to be receiver of public moneys at Duluth, Minn.

REGISTER OF THE LAND OFFICE.

Edward D. Gianelloni to be register of the land office at Baton Rouge, La.

APPOINTMENT IN THE ARMY.

ADJUTANT GENERAL'S DEPARTMENT.

Col. Henry P. McCain to be The Adjutant General.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Lieut. Col. Lloyd M. Brett to be colonel.

Maj. James A. Cole to be lieutenant colonel.

PROMOTIONS AND APPOINTMENT IN THE NAVY.

The following-named lieutenant commanders to be commanders:

John V. Klemann,
James J. Raby,
Kenneth M. Bennett, and
Edward H. Watson.

The following-named lieutenants to be lieutenant commanders:

William H. Allen,
Jesse B. Gay, and
Guy W. S. Castle.

The following-named lieutenants (junior grade) to be lieutenants:

James J. Manning, and
Rufus W. Mathewson.

The following-named ensigns to be lieutenants (junior grade):

Thomas E. Van Metre,
James B. Glennon, and
Lemuel E. Lindsay.

First Lieut. Emile P. Moses to be a captain in the Marine Corps.

William A. Brams, a citizen of Illinois, to be an assistant surgeon in the Medical Reserve Corps.

POSTMASTERS.

CALIFORNIA.

John J. Blaney, Weaverville.
Margaret C. Hamilton, San Anselmo.
Myrtle A. Haycock, Lakeport.
W. E. Hyatt, Cloverdale.
George W. Mallory, Nordhoff.
George E. Meekins, Stanford University.
Silas T. Merrill, Galt.

HAWAII.

Moses D. K. Keohokalole, Lahaina.

ILLINOIS.

Frank W. Freeman, Grant Park.
Mabel J. Nafziger, Danvers.
E. S. Patterson, Stockton.
Frank I. Peterson, Granville.
Wilbur Whitney, Byron.

IOWA.

John E. McHugh, Lisbon.
Richard O'Connor, Neola.
John Vanderwicken, Grundy Center.

KANSAS.

Samuel S. Graybill, Hutchinson.
Frederick M. Murphy, Clyde.

KENTUCKY.

J. N. Rule, Falmouth.

MICHIGAN.

Charles A. Allen, Royal Oak.
Fred W. Hild, Baraga.
John Noll, Cheboygan.
Robert M. Smith, Kearsarge.

MINNESOTA.

Patrick B. Jude, Maple Lake.
Knute Nelson, Fertile.
M. H. McDonald, Farmington.
James McGinn, Minneota.

NEW MEXICO.

George Hoffman, Belen.
W. L. Radney, Roswell.

NEW YORK.

John F. Donovan, Mount Morris.

NORTH CAROLINA.

William Cannon, Saluda.

NORTH DAKOTA.

R. J. Moore, Drayton.

OHIO.

Peter J. Beucier, Louisville.
Harry A. Flinn, Orrville.

PENNSYLVANIA.

E. M. Dailey, Dushore.
A. F. Hess, Clarion.
Edward C. Peeling, York.
John H. Wheeler, Delta.

SOUTH DAKOTA.

George Winans, White Rock.

TEXAS.

W. T. Jackman, San Marcos.

VIRGINIA.

John W. Anderson, Pennington Gap.

REJECTION.

Executive nomination rejected by the Senate August 29 (legislative day of August 25), 1914.

Benjamin F. Roberts to be postmaster at Meredith, N. H.

HOUSE OF REPRESENTATIVES.

SATURDAY, August 29, 1914.

The House met at 12 o'clock noon.

The Rev. Charles H. Hume, of Bartlesville, Okla., offered the following prayer:

Almighty Father, we invoke Thy blessing upon us to-day as we pray for Thy guiding hand and spirit upon our Representatives that they shall represent and guide our Nation. Bless the nations to-day and bring speedily peace to all the world. Keep and protect all of these now and evermore. We ask all these blessings in the name of our Saviour and Redeemer. Amen.

The SPEAKER. The Clerk will read the Journal.

Mr. BUTLER. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise? Mr. BUTLER. I demand the presence of a quorum.

The SPEAKER. The gentleman from Pennsylvania demands the presence of a quorum; evidently there is not a quorum present.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Elder	Jones	Powers
Alken	Esch	Kelley, Mich.	Prouty
Ainey	Estepinal	Kennedy, Conn.	Ragsdale
Ansberry	Fairchild	Kent	Rainey
Anthony	Faison	Kiess, Pa.	Rayburn
Aswell	Fess	Kindel	Riordan
Austin	Finley	Kinkead, N. J.	Rothermel
Avis	Fitzhenry	Korby	Rubey
Barkley	Flood, Va.	Kreider	Sabath
Bartlett	Foster	Lafferty	Saunders
Bell, Ga.	Fowler	Lazaro	Shackleford
Brown, N. Y.	Francis	L'Engle	Sherley
Browne, Wis.	Gardner	Lenroot	Smith, N. Y.
Browning	George	Lewis, Pa.	Stanley
Brumbaugh	Gill	Loft	Steenerson
Bulkley	Glass	McClellan	Stephens, Nebr.
Burke, Pa.	Godwin, N. C.	McGillicuddy	Stevens, N. H.
Calder	Goeke	McKenzie	Stout
Carr	Gordon	McLaughlin	Stringer
Church	Graham, Ill.	Mahan	Switzer
Cline	Graham, Pa.	Martin	Taggart
Cooper	Griest	Merritt	Taylor, N. Y.
Covington	Guernsey	Metz	Townsend
Crisp	Hardwick	Miller	Treadway
Dale	Hart	Montague	Tuttle
Decker	Hayes	Mott	Underhill
Dershem	Hensley	Murdock	Vare
Dies	Hill	Neeley, Kans.	Wallin
Dooling	Hinds	Palge, Mass.	Watkins
Drukker	Hinebaugh	Patten, N. Y.	Wilson, N. Y.
Eagan	Hobson	Peters	Winslow
Engle	Howard	Porter	
Edmonds	Hoxworth	Post	

The SPEAKER. On this roll call 301 Members answered to their names—a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors and the Clerk will read the Journal.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1657) providing for second homestead and desert-land entries.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 136) to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea.

And the House amendment and message of the Senate requesting a conference with the House thereon.

EXTENSION OF REMARKS.

Mr. COX. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by incorporating therein a recent article by my colleague from Indiana [Mr. Moss], published in the Indiana Farmer, the title of which is, "How the war will affect American agriculture."

The SPEAKER. The gentleman from Indiana [Mr. Cox] asks unanimous consent to extend his remarks in the Record by printing an article written by his colleague [Mr. Moss of Indiana] on how the European war will affect American agriculture. Is there objection? [After a pause.] The Chair hears none.

CROP MOVEMENT.

Mr. UNDERWOOD. Mr. Speaker, I desire to ask unanimous consent to print in the Record the statement of the Secretary of the Treasury in reference to the plan that has been adopted by the Treasury Department to facilitate the crop movement of this country.

The SPEAKER. The gentleman from Alabama asks unanimous consent to print in the CONGRESSIONAL RECORD a recent statement by the Secretary of the Treasury on the crop movement. Is there objection? [After a pause.] The Chair hears none.

SPEECH OF SECRETARY OF THE TREASURY ON COTTON SITUATION.

Mr. McKELLAR. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a speech of Secretary of the Treasury McAdoo on the cotton situation at the cotton conference held last Tuesday.

The SPEAKER. The gentleman from Tennessee [Mr. McKELLAR] asks unanimous consent to print a speech made by the Secretary of the Treasury, on the subject of cotton, at a recent conference held. Is there objection? [After a pause.] The Chair hears none.

POTATO CROP.

Mr. MOORE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of the potato crop.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the Record on the subject of the potato crop. Is there objection? [After a pause.] The Chair hears none.

SHORTAGE OF CATTLE IN THE UNITED STATES.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the Record on the question of the shortage of cattle in the United States.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to extend his remarks in the Record on the subject of the shortage of cattle in the United States. Is there objection? [After a pause.] The Chair hears none.

HOMESTEAD ENTRY TO FEMALE AMERICAN CITIZEN.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to disagree to the Senate amendments on House bill 11745, and ask for a conference.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

An act (H. R. 1657) to provide for a second homestead on desert-land entries.

Mr. MANN. Where is that, on the Speaker's table.

The SPEAKER. What is the number of the bill?

Mr. FERRIS. The Clerk had the wrong one.

The SPEAKER. The Chair knows, but which is the right one?

Mr. FERRIS. The one which the Clerk has in his hand.

Mr. MANN. The Clerk can not report a copy of that kind. Where is the bill?

The SPEAKER. The Clerk has it.

The Clerk read as follows:

An act (H. R. 11745) to provide for certificate of title to homestead entry by a female American citizen who has intermarried with an alien.

Mr. FERRIS. Mr. Speaker, I move to disagree to the Senate amendment, and ask for a conference.

The motion was agreed to.

The SPEAKER announced the following conferees: Mr. FERRIS, Mr. TAYLOR of Colorado, and Mr. FRENCH.

CHANGE OF REFERENCE.

By unanimous consent change of reference was made of the bill (S. 2692) authorizing the Secretary of the Interior to sell all unsold lots in the town site of Plummer, Kootenai County, Idaho, and for other purposes, from the Committee on the Public Lands to the Committee on Indian Affairs.

SECOND HOMESTEAD AND DESERT-LAND ENTRIES.

Mr. FERRIS. Mr. Speaker, I call up the conference report on the bill (H. R. 1657) providing for second homestead and desert-land entries, and ask to agree to the same. It was printed, under the rule, day before yesterday.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to take up the conference report on the bill H. R. 1657. Is there objection? [After a pause.] The Chair hears none. The Clerk will report it.

The Clerk read the conference report and statement as follows:

CONFERENCE REPORT (NO. 1116).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1657) providing for second homestead and desert-land entries, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3, and agree to the same.

SCOTT FERRIS,
EDWARD T. TAYLOR,
BURTON L. FRENCH,

Managers on the part of the House.

H. L. MYERS,
C. S. THOMAS,
REED SMOOT,

Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 1657) providing for second homestead and desert-land entries submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted with the accompanying conference report as to each of the Senate amendments, namely:

On amendment No. 1: The House concurs in the Senate amendment, as the report from the Secretary of the Interior and the experience of those Members of the Senate and House who are personally familiar with this matter are to the effect that "where an applicant has been so unfortunate as to fail in two or more previous efforts to obtain a home on the public lands that the Secretary of the Interior should have the discretion to grant such an applicant a further entry upon his showing that he has lost his former entry through no fault of his own," and that the former entry or entries were made in good faith and were "lost, forfeited, or abandoned through matters beyond his control, and that he has not speculated in his rights or committed a fraud or attempted fraud in connection with such prior entry or entries." The Secretary of the Interior very positively and specifically recommends that change in all of his reports on bills similar to this, including the report on this bill.

On amendment No. 2: The House concurs in the Senate amendment for the same reasons that it concurs in amendment No. 1, which is identically the same one made in another portion of the bill.

On amendment No. 3: The House concurs in the Senate amendment, as that provision which was stricken out by the Senate seems to be wholly unnecessary for the full protection of the Government, and it would work an unwarranted hardship upon a large number of bona fide entrymen. The Secretary of the Interior, in his report of May 3, 1913, to the chairman of the Public Lands Committee of the Senate, on a similar bill to this one, and which report is also incorporated in the report on this bill in the House (Rept. No. 137), very forcibly presents the hardships that this provision would entail upon entrymen. The language is as follows:

"If the entryman received for his relinquishment any amount in excess of the filing fee, he would be debarred from making a second entry. In many cases entrymen receive small amounts at time of relinquishment, in the nature of recompense for buildings or other improvements they have placed upon the land, and which can be utilized by succeeding entrymen, or seek to recoup themselves for expenditures in connection with preparation and filing of papers relating to their original entries. One instance brought to the attention of the department was that of a party who paid a filing fee of \$16 at time of original entry, but who incurred a small additional expense in having his papers executed before a United States commissioner, his total expenditure exceeding \$20. He received for his relinquishment \$20. Believing himself entitled so to do, he settled upon other lands, for which he applied to make second entry; but upon his statement that he had received \$4 in excess of the filing fees paid, the department was obliged, under the provisions of the applicable law, to refuse his second entry.

"It is believed that the legislation should be so drawn as to discourage and prevent speculation in the sale of relinquishments, but should not deprive the entryman who loses his original entry through no fault of his own from recovering, in part

at least, the sums expended by him in good faith in connection with his original entry or its improvement."

Your committee therefore believes that it is in the interest of good administration to follow the recommendations of the Interior Department and eliminate that requirement.

SCOTT FERRIS,
EDWARD T. TAYLOR,
BURTON L. FRENCH,

Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MONDELL. Mr. Speaker, will the gentleman from Oklahoma [Mr. FERRIS] yield to me five minutes?

Mr. FERRIS. I yield five minutes to the gentleman.

Mr. MONDELL. Mr. Speaker, I shall not object to the conference report or vote against it, and yet I doubt if the bill as agreed to in conference is in as satisfactory a form as it was when it passed the House.

I desire to call the attention of the members of the Committee on the Public Lands to the effect of adopting the first two Senate amendments, which insert the word "entries" after the word "entry" in each case. The evident intent of that was to allow a homestead or desert entryman who has already had a second entry which he did not perfect to make a third attempt or fourth attempt. Now, my opinion is, and that has been the theory on which we have legislated heretofore, that that can be done without the insertion of those words, and has been done in the past, under the laws heretofore passed on this subject. All that the Secretary needs to know when an application is made for a second entry is that the immediately prior entry was in fact abandoned.

The fact that the entryman might in some former period have abandoned another entry should not be material. But the adoption of these words and the language that follows creates this situation, I fear. This law is rather drastic in its provisions, much more so than the second-entry bills we have passed heretofore. It provides that an entryman can not have a second entry who has abandoned his former entry through any fault of his own or for any reason under his control. An administration not kindly disposed could, I think, legally hold that very few entrymen abandon entries for causes not within their control, and the result would be, unless this bill is very liberally construed, that few second entries will be allowed. But that is not the worst of it. This is intended to be retroactive, apparently, and to give the Secretary an opportunity, where an application is made for what would be in fact a third entry, to go back and review the conditions of the original entry. Under former laws the entryman was allowed the second entry if he abandoned for any reason whatever. He was not required to give any reason. He had abandoned, he had received no consideration, and was entitled to try again. Now, if he is compelled to go back and prove, with regard to that entry, that he abandoned it for causes not within his control and through no fault of his own he will have a trying time, I fear. We may hope the department will never do that. The department has authority to, under the legislation, and they have done many things not so far-fetched as that. The gentleman from Oklahoma suggested this morning that I had been opposed to the last amendment of the Senate, which was stricken out in conference. I was not entirely opposed to that. I am rather in favor of that Senate provision in a different form. Our former second-entry laws, while they have been very liberal in this respect, that they have allowed a second entry without calling on the entryman to say why he abandoned his former entry, have always been drawn so as to prevent speculation in entries; and speculation in entries enters the moment you give the entryman a right to a second entry when he has abandoned his first entry for a consideration. Now, our prior second-entry laws did not allow a second entry where there had been speculative consideration, the first where there had been any consideration, the last, the one passed three years ago, where the consideration had been above the filing fee. I fear the act, perhaps the best that could be secured under the circumstances, will make it difficult for the entryman to secure a second entry in any case and will have a tendency to encourage speculation in entries, neither of which conditions I think we care to create.

Mr. TAYLOR of Colorado. Mr. Speaker, in reply to the gentleman from Wyoming, I will say that I introduced this bill, H. R. 1657, on the opening day of this Congress, April 7, 1913, and it, together with several other bills having practically the same purpose in view, and introduced at various times since by various Senators and Representatives, have been pending before the Public Lands Committees of the Senate and

House and upon the calendar of the two bodies for the past year and a half. Both committees have had many conferences upon this subject, and while this bill that has now finally been agreed upon by both committees of the Senate and House and the conference committee is passing in my name, it is a composite of the various bills and ideas of not only the House but of the Interior Department upon this subject.

It is not as liberal as some of us would like to see it. There are some provisions in it that I think are unnecessarily harsh, and some of our ultraconservationist friends think that the provision stricken out by the Senate should remain in; nevertheless, it is the best bill that can be passed through this Congress, and we all believe that it is an exceptionally beneficial measure.

As the House well knows, for many years nearly every Congress has passed some relief bill for both the homestead and desert-land entrymen who have lost their lands through no fault of their own. Those have been temporary bills, and have not only taken up considerable time of Congress, but it has been difficult for the public in general to keep track of them. The Interior Department and the General Land Office have for a number of years desired to have a general law, such as this is, to settle the rights of the public-land entrymen once and for all, as near as one act can.

It is especially desirable to have one general and brief law, so that the settlers who have lost their entries, and who will come within the provisions of this law, may be able to learn definitely what it is. It has been practically impossible for anyone who is not a lawyer to keep track of all these temporary acts, and I know that his law will tend to better administration and aid in the settlement of the West and afford an opportunity to a great many deserving citizens to acquire a home on the public domain.

From the information of the Members representing the public-land States it is conclusively shown that the interests of the public will be benefited and the rights of the Government thoroughly protected by the passage of this bill, and many worthy persons, who, through misfortune and hardships incident to frontier life, have been deprived of any actual benefit from any entry of public lands, notwithstanding they have put in many years of their life in the hardest kind of toil and privation, will be given another opportunity to acquire a home. It is a just and in reality a humane measure that will be of great benefit in the development of the West.

The form of the bill as agreed upon by your conference committee, and which the Senate has already adopted and which I earnestly hope this House will now adopt, is as follows:

That any person otherwise duly qualified to make entry or entries of public lands under the homestead or desert-land laws, who has heretofore made or may hereafter make entry under said laws, and who, through no fault of his own, may have lost, forfeited, or abandoned the same, or who may hereafter lose, forfeit, or abandon same, shall be entitled to the benefits of the homestead or desert-land laws as though such former entry or entries had never been made: *Provided*, That such applicant shall show to the satisfaction of the Secretary of the Interior that the prior entry or entries were made in good faith, were lost, forfeited, or abandoned because of matters beyond his control, and that he has not speculated in his right nor committed a fraud or attempted fraud in connection with such prior entry or entries.

Mr. Speaker, There are many reasons why I believe the enactment of this law will be in accordance with sound public policy and in the interest of the development of the West.

While our Government has in former years been extremely generous in the disposition of the public lands, yet everyone from the West knows that in recent years the regulations of the Department of the Interior in regard to the qualifications for entry, residence, and improvements on lands entered under the homestead and desert-land laws have often been harshly strict in their requirements. The interpretation of the law during recent years has also frequently been unreasonably burdensome; and the homestead settlers have not only been held to a literal compliance with the law, but to a strict and technical compliance with many regulations, some of which have been impractical and have often caused a forfeiture of their rights or worked a very great, inequitable, and unwarranted hardship upon the poor but bona fide settlers upon the public domain. The ever-present special field agents and inspectors have been on hand to protest any proof offered where it has been thought the settler has not fully and technically complied with all the requirements of the law and regulations with respect to residence, cultivation, and improvements.

Until we passed the three-year homestead act of June 6, 1912, and upon which many of you will remember I worked so long, a residence of five years was required under the homestead law before the settler was permitted to make final proof and receive patent. The act of June 6, 1912, reduces the period of residence from five to three years "from the time of establishing actual,

permanent residence upon the land." The requirements of this law and the department in regard to cultivation are much more strict and expensive than under the old five-year homestead law.

The richest and most fertile of the agricultural lands belonging to the public domain in all the Western and Northwestern States were taken many years ago, and now we only have left lands that have for the past 50 years been passed over as being too expensive to clear or not worth taking. Under the laws existing from 1876 until 1890 a qualified settler had, as it was termed, his "three rights." First, a preemption right provided for by section 2259 of the Revised Statutes of the United States, under which he could acquire title to 160 acres of land by six months' residence and cultivation and on payment of \$1.25 per acre; second, a timber-culture entry right, under which he could acquire title to 160 acres of land without residence thereon and by cultivating 10 acres thereof to trees, and at the end of 8 years, and not exceeding 10 years, paying the land-office fees, amounting to the sum of \$14; and, third, his homestead right under section 2289, Revised Statutes, whereunder he could acquire a patent to a homestead of 160 acres after five years' residence and cultivation and upon the payment of the land-office fees of \$14. He had, under the law, the privilege of making commutation proof on his homestead after six months' residence and cultivation, and in case of commutation he was required to pay, in addition to such land-office fees, the sum of \$1.25 per acre, the same as in the case of a preemption. If the entryman had served as a soldier in the War of the Rebellion, his period of service was credited on the time he was required to reside on his homestead.

But with the passing into private ownership of the best public lands and the consequent upbuilding of all the great Western States by the owners of those lands, the liberal land laws and liberal construction thereof of earlier days have also passed into history, and the homesteader of to-day is confronted with an entirely different situation.

The timber-culture law has been repealed. The preemption law has been repealed, excepting as to a few very small tracts of Indian reservation land. There were only 22 preemption entries made in the United States during the past fiscal year.

The stone-and-timber law has been practically rendered inoperative by regulations. There were during the last fiscal year only 946 final entries made under that law in the United States.

The present isolated-tract law, of which I am the author, one of the most beneficial laws on the statute books, has likewise been practically nullified by regulations. The entries do not seem to be reported, but the total number during the last year was probably much less than 500.

The desert-land law was years ago attended with considerable irregularities and some fraud, but in recent years it has, owing to regulations, been attended with so much hardship that it is also becoming unimportant. Throughout the entire United States there were only 2,102 final desert-land entries made during the last fiscal year. While I have been instrumental in bringing about some beneficial amendments to this law, especially allowing an extension to 10 years under certain conditions, nevertheless the law is not affording as much relief or aiding the settlement of the arid West as much as it should.

The enlarged-homestead act applies only to certain non-irrigable land in the semiarid portions of certain States, and the Kinkaid Act applies to only a portion of Western Nebraska. There were only 737 final mineral entries and 76 coal-land entries in this entire country during the past fiscal year, ending June 30, 1913.

So that with the above comparatively negligible exceptions, there is not, and has not been for several years past, any other method of acquiring title to any portions of our agricultural or nonmineral public domain except through homestead entry, with the very strict requirements of that law and the regulations thereunder. The records of our General Land Office show in a very striking way the marvelous benefits of a liberal homestead law. During the first year after the passage of the three-year homestead law, the final homestead entries throughout the United States more than doubled. During the fiscal year ending June 30, 1912, the total homestead entries throughout the United States were 24,326, covering 4,306,068 acres of land. The three-year homestead law was passed on June 6, 1912, and during the fiscal year ending June 30, 1913, there were in the United States 53,252 final homestead entries made, covering more than 10,000,000 acres of the public domain; and notwithstanding that this law requires much more cultivation and improvements than the old five-year homestead law.

While there will probably be some less homestead entries during the present fiscal year, the above figures conclusively show the benefits of that law, and illustrate why it is that hundreds of thousands of our citizens go to Canada to obtain a home.

The most desirable portions of the agricultural lands having been selected and entered many years ago, and the lands opened for homestead settlement for the last several years being in that part of the country where there is liable to be in any year or through a series of years an insufficient rainfall for the successful raising of crops, it is hardly to be expected that such lands would be taken and occupied unless conditions in regard to qualifications for entry, residence, and cultivation were otherwise favorable.

The opening up for homestead settlement of the rich agricultural lands in the three great Canadian Provinces of Manitoba, Saskatchewan, and Alberta has been in itself an inducement for the emigration of citizens of many States, especially those along the Canadian border, into Canada in order that they might acquire title to land and make for themselves a home.

The law in regard to the proof of residence and cultivation is evidently more liberal than our own homestead laws. Section 126 provides that—

Proof of residence or cultivation required by the three last preceding sections of this act, and of the erection of a habitable house, shall be made by the claimant by affidavit, and shall be corroborated by the evidence on oath of two disinterested witnesses resident in the vicinity of the land to which the evidence relates, and shall be subject to acceptance as sufficient by the commissioner of Dominion lands or the Dominion lands board; and such affidavit shall be sworn and such evidence given before the local agent or his senior assistant, or before some other persons named for that place by the minister.

The Canadian law has the further liberal provision that—

If the father (or the mother if the father is deceased) of any person who is eligible to make a homestead entry * * * resides upon a farm in the vicinity of the land entered for by such person, the requirements * * * as to residence prior to obtaining patent may be satisfied by such person residing with the father or mother. (Sec. 131, Dom. Lands, Rev. Stat., 1906.)

The Canadian laws also make provision for the settling of homesteaders together in a hamlet or village in numbers embracing at least 20 families, with a view to greater convenience in the establishment of schools and churches, and in such cases the minister is permitted to vary or dispense with the requirements of the law in regard to residence. (Sec. 121, Dom. Lands, Rev. Stat., 1906.)

And if any settler has his permanent residence upon farming land owned by him in the vicinity of his homestead, the requirements of the law in regard to residence may be satisfied by residence upon said land. (Sec. 132, Dom. Lands, Rev. Stat., 1906.)

The reason for the emigration of our young men and citizens to Canada is easily found in these liberal provisions of Canadian homestead law, and in the prospect of securing title to lands equal, if not superior, to any now remaining in our public domain and open to homestead settlement.

The records show that it is now, and has for several years been, a serious question with any prospective homesteader of full age as to which of the two offers he will accept, namely, that of the United States, permitting him to enter any quarter section yet open for settlement under our homestead laws and present regulations with the conditions they impose, or that of the Dominion of Canada, under the prospects and liberal conditions there existing.

It should not be a matter of wonder that hundreds of thousands of such prospective homeseekers have accepted the latter proposition, even though it involved a renunciation of their American citizenship.

But with the minor of 18 years of age desirous of acquiring land, which everybody knows he is capable of improving and cultivating, there is no choice. He must emigrate to Canada or remain without the land. I have a bill now pending on our calendar permitting any boy or girl 18 years of age or over to make a homestead entry. I have, by authority of the Public Lands Committee, made a very exhaustive and, I think, strong report upon it, and I earnestly hope I may be able to pass it before this Sixty-third Congress adjourns.

The figures showing the numbers who have emigrated to Canada during the last 10 years are somewhat startling.

On January 28 of the present year Mr. William J. White, being a witness before the lobby investigating committee of the Senate, in answer to questions propounded by Senator NELSON, said:

Senator NELSON. What is the number of the immigrants that have come from the United States to your Provinces during the last 4 or 5 years or the last 10 years?

Mr. WHITE. This last year up till November there were about 115,000. Last year up to the present time there were about 141,000. The year before that there were about 110,000, and the year before that the same. It has been running along about 100,000, last—

Senator NELSON. Ten years, has it not?

Mr. WHITE. It has been running about 100,000 for the last five years. Last year—that is, the fiscal year ending March, 1913—was our largest year. There were about 141,000.

Senator NELSON. And for the last five or six years the general average has been 100,000?

Mr. WHITE. Yes; about 100,000.

Senator NELSON. And how many have you gotten in all from the United States in the last 10 years, we will say?

Mr. WHITE. Our records will show that we have had about 800,000. Some of them have been going back and going into Montana and taking up homesteads in Montana, and we may not have as many as 800,000.

Mr. White is the agent and representative of the Canadian Dominion, and is, or was at the time of giving his testimony, in charge of the advertising, and had been in charge of such advertising for a number of years, and according to his statement his Government spends between \$60,000 and \$70,000 a year in such advertising. (See pp. 4686-4690 of hearings.)

In view of all these conditions, the Public Lands Committee and everyone familiar with conditions in the West believe the time is at hand when the Government as a matter of wise public policy should adopt a more liberal rule as to the disposition of its remaining agricultural lands.

Those 800,000 American citizens who have expatriated themselves for a home were the farmers and young men, the bone and sinew, the best citizenship of this country, and their loss to our country is beyond the possibility of any estimation. They are the kind of people we most need at this time. With our agricultural productions decreasing at a terrific and alarming rate, as compared with our increase in population; with our high cost of living still getting higher; with our 665,891,029 acres of unappropriated and unreserved public domain, besides 185,000,000 acres of forest reserves, all of which is producing comparatively nothing and costing millions of dollars a year to supervise, it would seem as though it is time to change somewhat our public-land policy and allow at least the agricultural portions of this land to go into private ownership and be used for the homes of our citizens and the production of agricultural crops. It is not only a colossal financial blunder, but an outrage against the present generation, to hold all of that imperial domain in idleness for future generations when every township of cultivated land increases the wealth of the State a million dollars every year.

The most beneficial use is the only kind of conservation that should be practiced by our Government. It is not conservation of agricultural lands to make no use of them, except for grazing purposes, and keep them in the barren state in which they have existed for thousands of years. Let us cease driving good American citizens to Canada for land. Let us give our people a home on our public domain and welcome them to an abiding place under our own flag.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

THE MERCHANT MARINE.

The SPEAKER. The Chair lays before the House the following resolution from the Senate, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 136) to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea, and the House amendment and the message of the Senate requesting a conference with the House thereon.

Mr. MANN. Mr. Speaker, when did the message from the Senate come over in reference to that?

The SPEAKER. It came over yesterday. The message from the Senate sending the bill over, disagreeing to the House amendment, asking for a conference, and announcing the Senate conferees, came over yesterday. This message came over just this minute. Without objection, it is so ordered.

There was no objection.

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following telegram, which the Clerk will read.

The Clerk read as follows:

GAINESVILLE, GA., August 28, 1914.

Hon. CHAMP CLARK,

Speaker of House of Representatives, Washington, D. C.:

TOM BELL physically unable to make trip to Washington. Wire 10 days' leave of absence.

E. P. HAM, M. D.

The SPEAKER. Is there objection to the request? Without objection, it will be granted.

There was no objection.

WAR-RISK INSURANCE.

The SPEAKER. The House automatically resolves itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 6357) to authorize the establishment of a bureau of war-risk insurance in the Treasury Department, with the gentleman from Tennessee [Mr. GARRETT] in the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill S. 6357, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill S. 6357, of which the Clerk will report the title.

The Clerk read as follows:

An act (S. 6357) to authorize the establishment of a bureau of war-risk insurance in the Treasury Department.

The CHAIRMAN. The first section of this bill has been read, and amendments are now in order.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all of section 1 after the enacting clause and insert the following:

"That there is established in the Treasury Department a bureau to be known as the bureau of war-risk insurance, the director of which shall be entitled to a salary at the rate of \$5,000 per annum."

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I shall probably vote for the pending bill—

Mr. ADAMSON. Mr. Chairman, will the gentleman permit me to request that the amendment be read again before he proceeds?

Mr. FITZGERALD. Certainly.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again read.

Mr. FITZGERALD. Mr. Chairman, I shall probably vote for the pending bill, but I am not convinced either as to the necessity, the wisdom, the expediency, or the safety of its enactment.

This bill proposes to provide for war-risk insurance. I do not know whether it is intended to include ordinary marine insurance. There is no trouble to-day, so far as I am informed—and I have made some inquiry—about American vessels obtaining war-risk insurance or marine insurance. The purpose of this bill is to insure American vessels and American cargoes against the risks of war and to have them insured by the Government. In support of the bill it is asserted that Great Britain is reinsuring 80 per cent of the war-risk insurance upon British vessels and cargoes written by the underwriters of Great Britain.

But that situation is entirely different from the situation which confronts this country. Great Britain is a belligerent nation, at war with at least two of the continental powers. Her ships are liable to seizure, whether carrying contraband or noncontraband material. It is highly dangerous and extra-hazardous to sail her ships upon the seas; and for her own interest, purely as a war measure, Great Britain, to encourage her ships to keep the sea, announces that she will assume 80 per cent of the risk of seizure or destruction.

American vessels, flying the American flag, are the vessels of a neutral nation—subject to search, but not to seizure unless they are violating some well-known principle of international law. Their cargoes are not subject to seizure unless they are contraband under the principles of international law. American enterprise, if this be a paying business, will furnish all the opportunity desired to insure against all marine risks or against war risks for American cargoes and American ships. If it be something that can not be profitable from any standpoint, then the Government will have the opportunity to bear the loss. I do not believe it proper or advisable under existing circumstances that the Federal Government should assume all possibility of risks in purely commercial transactions when this country is at peace with the entire world.

But there is one feature of this legislation that is highly dangerous to the peace and security of the United States. There is a dispute now as to whether the transfer of a vessel flying the flag of a belligerent to a neutral nation after war has been declared protects the vessel when flying the neutral flag. There is no unanimity of opinion about it. The great bulk of vessels under foreign flags that may be acquired and insured under this bill are vessels now of German register. Practically the entire German merchant marine is lying idle in the harbors of neutral nations or in their own harbors. The German Government, under its legislation by which these ships are sub-

dized, has some interest of a financial character in those vessels, because the German Government has the right to take them over for war purposes. A very serious question arises as to whether the transfer of such vessels to the American flag would prevent their seizure and condemnation in a prize court by any one of the nations with which Germany is at war.

More than that, if such vessels be transferred to the American flag and insured by the American Government, and then seized by Great Britain or France or Russia, they will demand the payment of the insurance, and the United States Government, under the law of insurance, would be subrogated to the rights of the owners of the ships and the owners of the cargoes, and we would at once be precipitated into a controversy with the nation seizing the vessel. The controversy would not be as to certain rights of citizens but as to the rights of the United States and the rights of other nations. I say it is a menace, and unless there is some overwhelming and compelling necessity it should not be forced upon us.

In spite of my doubts about the wisdom of the bill, I shall probably vote for it. [Laughter.] It is easy to laugh. The administration is responsible for the legislation. It asserts it to be necessary. I shall resolve my doubts in favor of the position of the administration and support the bill, having expressed my views briefly upon it.

Mr. LEWIS of Maryland. Will the gentleman yield for a question?

Mr. FITZGERALD. In just a moment. Though I have these very grave doubts at this time on this bill, I am willing to surrender them; but I shall not surrender my doubts or my convictions upon legislation proposing to appropriate equally large or larger sums from the Treasury if reported to this House hereafter by another committee which has no jurisdiction over appropriations. I yield to the gentleman from Maryland for a question.

Mr. LEWIS of Maryland. I want to ask the gentleman if he recalls a single instance where a neutral has gotten into war over the question of the seizure of one of its vessels?

Mr. FITZGERALD. I have not looked it up. I am not familiar with the precedents. There may or may not be such cases. I am speaking about the situation that may menace us. That is the case of German ships, which the German Government has a right to take into its naval reserves or active naval forces, because of its contracts with them and subventions and subsidies paid to them. To transfer such ships to the American flag and to have them insured by the United States under this legislation, then if such ships are seized the United States will be face to face with many difficult questions that will arise.

Mr. Chairman, this paragraph which I have moved to strike out was drawn by those in one of the departments who prepared this bill. As nearly as I can ascertain, its ostensible purpose is to take out of the classified service all positions created in this bureau, the compensation of which is in excess of \$3,000. Under the civil-service law and under the decisions of the Attorney General, the provision is wholly ineffective to accomplish that result.

I believe the compensation of the director of this bureau, which is to be a temporary bureau, will be sufficient if fixed at \$5,000, the same as the compensation of the heads of the great bulk of the bureaus of the Government. If I may have the permission of the committee, I shall put in the RECORD a statement showing the compensation of the heads of the various bureaus of the Government.

I believe it is sufficiently important that the head of this bureau should be appointed by the President, by and with the advice and consent of the Senate, and even if this provision were effective to take out of the classified service all employees whose compensation shall be in excess of \$3,000 it would be ill-advised legislation to enact, because the temptation would be continually to fix salaries higher than might probably be desired or necessary in order to make the appointments regardless of the civil-service laws. The President has complete authority to exempt from the civil-service laws every position or any position that may be created in this bureau. I believe the responsibility should be his, and not ours, for exempting them. [Applause.]

Statement referred to above is as follows:

\$5,000 BUREAUS.

Supervising Architect.
Comptroller of the Treasury.
Commissioner of Internal Revenue (\$3,500).
Engraving and Printing.
Surgeon General, Public Health Service.
Geological Survey.
Bureau of Mines.
Coast Survey.
Bureau of Fisheries.

Census Office.
Bureau of Standards.
Bureau of Foreign and Domestic Commerce.
Librarian of Congress (\$6,500).

\$5,000 OR LESS.

All bureaus of the Department of Agriculture. The salary of the Chief of the Weather Bureau was reduced for the fiscal year 1915 from \$6,000 to \$5,000.

Commissioners of the District of Columbia.
Civil Service Commissioners.
All assistant secretaries of executive departments.
Six auditors of the Treasury for the several departments.
Register of Treasury.
Superintendent of Life-Saving Service.
Chief of Secret Service.
Director of the Mint.
All assistant treasurers of the United States.
All superintendents of mints.
Solicitors of the various departments.
Commissioner of General Land Office.
Commissioner of Indian Affairs.
Commissioner of Pensions.
Commissioner of Patents.
Commissioner of Education.
Four Assistant Postmasters General.
Director of Postal Savings.
Commissioner of Corporations.
Commissioner of Lighthouses.
Supervising Inspector General, Steamboat Inspection.
Commissioner of Navigation.
Commissioner of Labor Statistics.
Commissioner of Immigration.
Commissioner of Naturalization.
Chief of Children's Bureau.
Public Printer (\$5,500).

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FITZGERALD].

Mr. UNDERWOOD. Mr. Chairman, I seldom differ with the gentleman from New York [Mr. FITZGERALD] upon any question before this House involving appropriations, because I regard him as one of the ablest, if not the ablest, men who has ever presided over his great committee. [Applause.] I recognize his thorough acquaintance with and understanding of all the difficult questions that are involved in the control of the appropriations of this House and the protection of the Government. But I do not agree with him in his efforts to amend this bill.

If this were not an emergency bill I would agree with him at once. The general proposition that he states is correct; but, as I pointed out yesterday, for nearly 10 days American ships, flying the American flag, have been in the harbors of this country, from Maine around the coast to California, laden with American goods for export, and the Secretary of the Treasury has telegrams—I have some myself—saying that they can not sail because they can not get insurance, as the owners of the property will not allow the ships to sail until the insurance is furnished. This is an emergency matter. It is a matter that, instead of being passed to-day, should have been passed a week ago. Now, what is the result of the gentleman's amendment? The gentleman proposes to strike out all of section 1 after the word "Treasury" in line 1, page 2. He leaves in the section as it stands to-day the following words:

That there is hereby established in the Treasury Department a bureau to be known as the bureau of war-risk insurance, the director and employees of which shall be appointed by the Secretary of the Treasury.

He proposes to strike out the words "the salary of the director shall be \$6,000 per annum" and to change the salary to \$5,000. Then he strikes out the following:

And the salaries of the other employees shall be fixed by the Secretary of the Treasury, but in no case to exceed \$5,000 per annum for any employee: *Provided*, That all employees receiving a salary of \$3,000 per annum or less shall be subject to the civil-service laws and regulations thereunder.

If the gentleman's amendment were to be adopted, the minor effect of it would be to reduce the salary of the head of this bureau from \$6,000 to \$5,000; but the important part of his amendment is that after you pass this bill you will have to come back to the Congress of the United States, either by an emergency appropriation bill or some other method, to provide the employees to run this bureau.

Mr. FITZGERALD. There is another section of the bill which provides \$100,000 for the purpose of defraying the expenses of the bureau.

Mr. UNDERWOOD. But it does not authorize the appointment of employees. I have not read the gentleman's amendment, but I am stating it as I understand it.

Mr. FITZGERALD. Section 8 provides all the money that is necessary to pay the employees.

Mr. UNDERWOOD. Section 8 reads:

That there is hereby appropriated, for the purpose of defraying the expenses of the establishment and maintenance of the bureau of war-risk insurance, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$100,000.

That might be construed as authorizing the Secretary of the Treasury to employ these persons, but it might be construed the other way.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Alabama be extended five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. If the gentleman from Alabama will permit me, I propose to offer an amendment to section 8 to make certain that the \$100,000 can be utilized for the appointment of these persons in the service.

Mr. UNDERWOOD. That was the proposition I had in mind. Of course, I did not know the gentleman's purpose when he got to section 8. But, as the bill stands, if you strike out this provision that the Secretary of the Treasury may employ other persons besides the head of this bureau, unless the amendment which the gentleman says he will offer to section 8 is adopted, you would have a bureau created and have to come back to Congress to put it into force.

The gentleman from New York does not really object to that provision, because it makes little difference whether you provide in section 1 that the Secretary of the Treasury shall have the right to employ additional force, or whether you amend section 8 hereafter and provide for it. The main difference between the gentleman from New York and this bill is the question whether or not you shall exempt from civil-service rules and regulations any of these employees that get over \$3,000 a year. Those that get under \$3,000 a year would be under the civil service now. Now, we are not in the insurance business. It would take a long time, at least several weeks, if you were to have a civil-service examination to select men who are acquainted with the insurance business who could properly handle these risks. The gentleman from New York says the President, under the general power given, could waive the civil-service examination and appoint these men. Why should we put it on the President if we think it is right? Why should not we take the responsibility of waiving the civil service ourselves, and it is apparent that it must be waived? It is apparent that this bureau must be organized at the very earliest moment, and it is apparent that you must get experts that are not on the list of the civil-service employees. Therefore in order to expedite this legislation that is needed so badly, as this bill has already been passed by the Senate, I favor adopting the Senate bill and let the President affix his signature to the bill at his earliest convenience and allow these ships laden with American goods to go to sea and help the commerce of American citizens. [Applause.]

Mr. TOWNER. Mr. Chairman, I want to call the gentleman's attention to section 5 of the bill, which especially provides for the expert board the gentleman has been speaking about. That is entirely different from the provisions of the section that is now sought to be amended.

Mr. UNDERWOOD. That is merely providing for additional experts to those provided for in the first section. If we do not want to make mistakes about this, they should be expert insurance men. That is all I desire to say, Mr. Chairman.

Mr. TEMPLE. Mr. Chairman, I offer an amendment to the amendment proposed by the gentleman from New York. I move to strike out the words "Treasury Department" and insert in lieu thereof the words "Department of Commerce."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by striking out the words "Treasury Department" and insert in lieu thereof the words "Department of Commerce."

Mr. TEMPLE. Mr. Chairman, the Department of Commerce was organized to take charge of the work of promoting the commerce of the United States, foreign commerce equally with domestic commerce, and it seems to me the proper place for a bureau of war-risk insurance, which is intended to cover the shipping engaged in the commerce of the United States, is in the Department of Commerce. The Department of the Treasury is already overworked, one might say, with problems that have to do with revenue, with the banking and currency interests of the country, and with the organization of a new banking system. The great variety of its work is such as to make a wise man cautious about adding another bureau.

The Department of Commerce has also to do with the shipping of the country, such as gathering information about foreign commerce and the opportunities in foreign countries for American commerce. The Bureau of Navigation, which is under the Department of Commerce, is charged with general superintendence of the commercial marine. The machinery is already organized in the Department of Commerce to do a large part of the business contemplated in this bill, and it would have to be organized anew in the Department of the Treasury, or the Sec-

retary of the Treasury would have to use the machinery which already exists in the other department. I should like a proper classification of war-risk insurance.

Mr. ALEXANDER. Mr. Chairman, I hope the House will not agree to the amendment offered by the gentleman from Pennsylvania. I see no occasion for any change in the bill. After consultation it was agreed between the departments that this power should be conferred on the Treasury Department. I do not know of any bureau in the Department of Commerce already organized that could take charge of this work. As the gentleman from Alabama [Mr. UNDERWOOD] has said, the Department of the Treasury has been designated as the department in which the bureau of war-risk insurance shall be created, and it will be our effort to secure the passage of this bill as it came from the Senate, and there is no occasion to shift the jurisdiction from the Treasury Department to the Department of Commerce.

Mr. TOWNER. Mr. Chairman, I desire to speak to the amendment offered by the gentleman from Pennsylvania, Dr. TEMPLE. It seems to me that immediately the attention of Members is called to the fact that this bureau is committed to the Department of the Treasury it must be considered inexpedient and unwise to do so. The Treasury Department is already overburdened with its duties, as we are told. It has had much increase added to its duties this year. The Treasury Department is now supposed to be engaged in the most gigantic undertaking ever imposed upon it—to organize and put upon its feet a new banking and currency system; and yet the Treasury Department, which now under the law is charged with the management of the national finances, is to be given additional charge and supervision of the provisions regarding the commerce of the United States, a matter that has nothing to do with the finances of the Government and is utterly foreign to any of the duties now imposed upon the Secretary of the Treasury.

It would seem to me to be a question at least that must arise in the mind of every gentleman who thinks about the matter as to the reason of this. Why is it that this particular bureau, which should go to the Department of Commerce, that has now exclusive jurisdiction of these matters, should be sent to the Treasury Department? Is it for the purpose of discrediting the Department of Commerce? At the head of that department you have perhaps the most skilled expert in public life regarding the question of foreign and domestic commerce. At the head of that department you have the one man that could bring to this question the adequate knowledge that is so much needed, if you shall pass this bill, and yet you propose to send it away from him over to the Department of the Treasury, the department that is already overburdened, and which has nothing whatever to do with questions of commerce and navigation.

Mr. LEWIS of Maryland. Mr. Chairman, will the gentleman yield for a suggestion?

Mr. TOWNER. Yes.

Mr. LEWIS of Maryland. The suggestion is that the bill gives jurisdiction to the Treasury Department rather than the Department of Commerce because it is the Treasury Department that has charge of the customs officials, which has to do with the shipping of our country.

Mr. TOWNER. Mr. Chairman, I suggest to the gentleman that that has nothing to do with this question. The regulations of commerce are all committed to the Department of Commerce. The question of the collection of revenue is entirely separate and apart from that.

Mr. MANN. Mr. Chairman, will the gentleman yield for a suggestion?

Mr. TOWNER. Yes.

Mr. MANN. The gentleman knows that the Bureau of Navigation, which does have control of the shipping of the country, is in the Department of Commerce, and not in the Treasury Department.

Mr. TOWNER. Yes; and the Bureau of Domestic and Foreign Commerce is in the Department of Commerce. The regulations and rules under which commerce is carried on, both foreign and domestic, are under the jurisdiction of the Commerce Department. All of those things that pertain really to the activities of commerce are under the control and under the supervision of the Department of Commerce. The Secretary of the Treasury does nothing with commerce, as regards its regulation and control. The Treasury Department collects customs duties, as it does the internal revenue, but it does not have jurisdiction over either foreign or domestic commerce. It ought to be self-evident to every man that this board should be under the supervision of that department of the Government which has control of commerce and navigation, and that department is the Department of Commerce. I shall therefore support the amendment offered by the gentleman from Pennsylvania [Mr. TEMPLE].

Mr. FITZGERALD. Mr. Chairman, the gentleman from Alabama [Mr. UNDERWOOD] stated that the purpose of the section in the bill as now written is to enable certain employees to be appointed without regard to the civil-service regulations, without the necessity of a competitive examination. The law is that—

The classified service shall include all officers and employees in the executive civil service of the United States, heretofore or hereafter appointed or employed, in positions now existing, or hereafter to be created, of whatever function or designation, whether compensated by a fixed salary or otherwise, except persons employed merely as laborers, and persons whose appointments are subject to confirmation by the Senate.

The mere declaration that all employees in this bureau whose compensation is \$3,000 or less shall be under the civil-service law and regulations adds no force to the existing law. It merely is declaratory of the law as it exists. A provision which declares part of the law can not be construed as the repeal of the balance of it or the lifting out of the law of certain other positions. Under a decision rendered by the Attorney General of the United States in 1903, when certain employees were provided for in language almost identical with the language used here, in the belief that such employees are not to be under the civil-service law, it was held that that language did not take them from out of those provisions, and employees were appointed as the result of competitive civil-service examinations. If this paragraph be adopted as it is now written into the bill, those employees will be appointed as the result of competitive civil-service examinations, unless the President, exercising the authority conferred upon him, issues an order that certain employees shall be exempt from the operations of the civil-service law.

I have no particular desire to vote for a provision in a bill purporting to accomplish a certain purpose but of absolutely no value to accomplish that purpose. Moreover, I do not believe it either expedient or wise to create subordinate positions in any bureau, whether important or insignificant, and to have the Congress assume to determine the wisdom or expediency of particular employees being exempted from the classified service. The President has full and complete power in that respect. If it be desirable to obtain certain classes of officials without competitive examinations—and it may be necessary in this bureau—there is no reason why the President should not exercise the power conferred upon him, but to determine here that the mere fact that an official is to receive more than \$3,000 a year in itself justifies lifting such positions from the operation of the civil-service law, is a departure that is so novel, so contrary to the policy regarding the classified service, that I am not willing to support it.

I wish to make just one more remark, Mr. Chairman. We are told that this bill should be passed as it came from the Senate. I do not know why the House should foreclose itself of its rights to perfect the bill by amendment. [Applause.] The rule under which we are considering this bill specifically provided that the House should adopt amendments, if they were desirable. The Senate did not waive its rights. It did not take this bill as it came from the department and pass it without change. It made some amendments in the bill; and if the Senate can exercise its rights, it seems to me not only proper, but highly important, that in the exercise of our best judgment such amendments as commend themselves as proper to perfect the bill should be adopted by us.

Mr. OGLESBY. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. OGLESBY. If the provisions of this bill are effective, the Secretary of the Treasury and not the President would be empowered to take them out from under the operation of the civil-service law by simply increasing the salary, would he not?

Mr. FITZGERALD. Yes; and that power has never been given heretofore to anyone but the President; but the provisions will not be effective. I have a decision made by the Attorney General on February 12, 1903, in which it is held that the language similar to that contained in this bill, intended to take these employees out of the civil service, is ineffective to do so.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Pennsylvania [Mr. TEMPLE].

The question was taken; and on a division (demanded by Mr. TEMPLE) there were—ayes 56, noes 71.

Mr. TEMPLE. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers [Mr. TEMPLE and Mr. ADAMSON] reported that there were—ayes 75, noes 78.

So the amendment to the amendment was rejected.

Mr. MOORE. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. Will the gentleman withhold his amendment? The question is on the amendment of the gentleman from New York—

Mr. MANN. Mr. Chairman, the motion of the gentleman is to strike out and insert. Is that an amendment to the original—

The CHAIRMAN. It would have been so in the first instance if it had been suggested at that time. It seems to the Chair now that the amendment of the gentleman from New York has been offered and adopted. If the gentleman from Pennsylvania had suggested that amendment to perfect the paragraph at the time, it would have had precedence over the amendment offered by the gentleman from New York, and it does seem to the Chair now that as the amendment of the gentleman from New York has been offered and adopted and that the amendment to the amendment has been voted upon it is proper we should vote upon the amendment offered by the gentleman from New York before any other amendment is considered. The question is on the amendment offered by the gentleman from New York.

Mr. LINTHICUM. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the amendment was again reported.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the Chairman announced that the ayes appeared to have it.

On a division (demanded by Mr. ADAMSON and Mr. LEVY) there were—ayes 94, noes 48.

So the amendment was agreed to.

Mr. MOORE. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 4, after the words "bureau of," by striking out the words "war risk."

Mr. FITZGERALD. Mr. Chairman, I make the point of order that no amendment is now in order to the amendment which has been adopted, which is to strike out and insert.

The CHAIRMAN. The gentleman offers his amendment as an amendment to the section which has been stricken out.

Mr. MOORE. We have adopted a section which carries this language, and I desire to strike out the words "war risk," and I will ask unanimous consent to amend my amendment accordingly.

Mr. ADAMSON. Mr. Chairman, I can not hear the gentleman, there is so much disorder, and I do not understand the nature of his amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will again report.

The Clerk read as follows:

Amend the amendment just adopted by striking out, after the words "bureau of," the words "war risk."

Mr. ADAMSON. I want to add to the point of order made by the gentleman from New York—

Mr. CULLOP. I make a point of order against the amendment.

Mr. ADAMSON. My point of order, in addition to what the gentleman from New York said, is that it would change the entire character of the bill. This is not a marine-insurance bill; it is a war-risk bill entirely.

Mr. CULLOP. Mr. Chairman, the section was stricken out and a new section inserted which perfects the section, and an amendment to that now is not in order.

Mr. ADAMSON. I thought that point was made by the gentleman from New York; but I did not hear him very well on account of the confusion.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TOWNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNER. I desire to make a motion to strike out the preamble. It has not been read, and I do not know whether it will be proper to make it now or to wait until the end of the bill is reached and treat it as part of the title.

The CHAIRMAN. The preamble was read yesterday.

Mr. TOWNER. The Record does not so show.

The CHAIRMAN. The Record never shows what is read of the bill unless there be amendments proposed. The preamble was read yesterday because the Chair expressly directed the Clerk to read the preamble.

Mr. TOWNER. In any event, my inquiry is pertinent, Mr. Chairman.

The CHAIRMAN. Under the practice which has prevailed in the House, so far as the Chair now remembers, it has been the

custom to consider the preamble at the end of the bill where a bill carries a preamble.

Mr. MANN. That is, after the passage of the bill, under the rules, Mr. Chairman.

The CHAIRMAN. The Chair so understands.

Mr. STEVENS of Minnesota. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to proceed for five minutes upon this paragraph.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. STEVENS of Minnesota. Mr. Chairman, the gentleman from Alabama [Mr. UNDERWOOD] yesterday and to-day caused me very much distress, and I have no doubt he did the House, by his statement concerning the great delay and consequent injury in the shipment of the crops of this country, and that ships were lying for 10 days in American ports which could not go abroad on account of lack of this war insurance. I was anxious to know about this condition this morning, because I realized if continued it would cause serious damage, so I sent for a morning copy of the New York Herald and a morning copy of the Philadelphia Ledger of this morning and also telephoned the shipping commissioner of Philadelphia to know the exact condition to-day as to foreign shipping and the movement of our crops to foreign markets, and I am pleased to give the House the information, and I know the gentleman from Alabama will be very much gratified to know of existing conditions. I read from page 18 of the New York Herald of this morning:

Although wheat is now being exported in record-breaking volume, there was no relaxation in the sterling exchanges. On the contrary, rates were appreciably stiffer. In some quarters this was attributed to the war news, which was interpreted as indicating a protraction of the struggle. In other quarters the high rates were ascribed to competition of individual remitters, with a demand for remittance against the city of New York's maturing obligations abroad.

Bradstreet's estimates the efflux of wheat and flour from both coasts for the week ended yesterday at nearly nine and a half million bushels, while Washington dispatches quoted Treasury officials as estimating the exports for the week ending with to-day at 15,000,000 bushels. Such a movement must speedily create large foreign credits, particularly as imports are now falling off. Evidence of return to normal conditions is seen in the reduction of marine insurance rates and in the notice given by the eastern trunk lines to connecting carriers of a resumption of through bills of lading from interior points to Europe on exports via the Atlantic seaboard.

Again, I will quote from Bradstreet's report for this week:

Bradstreet's will say: "Crop reports are more favorable, particularly as regards cotton, tobacco, and corn; wheat exports, spurred by foreign necessity, are of enormous volume, close to the record, indeed; necessary foodstuffs, such as flour, groceries and allied lines, are in active demand."

Again, from Bradstreet's report of this morning:

Wheat, including flour, exports from the United States and Canada for the week ended August 27, as reported by telegraph to Bradstreet's Journal, aggregate 9,397,627 bushels, the second largest total ever reported, against 6,940,770 bushels last week and 7,042,180 bushels this week last year. For the eight weeks ended August 27 exports are 53,060,012 bushels, against 47,417,532 bushels in the corresponding period last year.

[Applause.]

Again, from the New York Herald, on page 18:

It is also evident that the export demand has fallen off on account of the higher prices, and private cables from Liverpool said that both Roumania and Russia had decided to permit exports of breadstuffs, and this will be in competition with the American market.

The developments in Europe seem to point to a prolonged war, which will increase European requirements. Most of the recent purchases for export have been for quick shipment, and, aside from the wheat, a very large amount of flour has been taken.

I now quote from the morning edition of the Philadelphia Ledger, page 8, the market report:

American steamship *Dominion* is due to sail for Liverpool at 10 o'clock this morning. Although this vessel has few passengers, she is expected to carry a large general cargo, comprised chiefly of flour, grain, and oil.

Again:

Few steamships are being chartered in any trade. There is still a light demand for tonnage under a free offering of boats, with rates easier.

Again, from "Philadelphia marine notes":

Yesterday was the busiest day at this port since the beginning of the European war. When the exchange closed last night 27 vessels had arrived here or were bound up the Delaware for Philadelphia. Of this number, 9 were barges, 9 schooners, and 9 steamships. Six of the steamships were under foreign flags. Most of the schooners and barges came from New England or eastern ports.

The telephone message from the shipping commissioners indicated that the shipping business in Baltimore and Philadelphia was larger than normal. There were free offerings at reasonable rates and no retarding of business on account of any lack of insurance to be provided by this bill. I am very glad to assure the gentleman from Alabama, and I have no doubt that he is equally happy to know that our grain crops are moving in

large and satisfactory volume at good prices, and this will prosper our people. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, I move to strike out the last word.

I am glad to hear the assurance of the gentleman from Minnesota. Of course, the gentleman from Minnesota and I for many years have stood on different sides of this question. The gentleman from Minnesota is content that foreign ships can carry American commerce. I desire to build up an American merchant marine.

Now, what the gentleman said about our exports, as shown by these papers, I have no doubt is correct. He pointed out to you one American liner, an old one, that was carrying a cargo to Europe. He read you the amount of export wheat that was going from American ports and Canadian ports together; and I have no doubt that what was being carried was being carried to-day, as it has been largely in the past, in British ships, paying British war-rate insurance that the American farmer must take out of his pocket and contribute. What we are trying to do is to provide an American insurance at a reasonable American rate for a country that is not at war, as against a country that is at war and must pay higher rates; and the gentleman would retard the passage of that bill.

Now, I have no doubt that there is a very considerable amount of product in this country that is being moved in British ships to-day. Not a large amount, of course, could be moved in American ships, because we have not the ships. But, as I stated yesterday and state again to-day, American ships from every coast in this country have been wiring to the Secretary of the Treasury saying they can not move their cargoes without this insurance. Why, when I made that statement yesterday the gentleman from Florida, who represents the Pensacola district, said that he had recently been there and that there were four or five large ships waiting in that harbor alone to get insurance so that they could move their cargoes.

Now, I have no doubt that my friend from Minnesota may rejoice in the fact that these American ships can not go to sea and can not carry American cargoes, but there is no denial in the papers that he has read that American ships are deprived of the right of going to sea because they are not furnished with insurance. In fact, the gentleman from Minnesota himself stated yesterday the reason. He stated that the insurance companies in this country, the only insurance companies under which an American ship can get insurance, had stated to his committee that they were unable to insure these cargoes because they did not have the capital and the responsibility so to do. And it is necessary for this Government to aid in this matter. Why should we not extend aid?

Mr. STEVENS of Minnesota. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. Certainly.

Mr. STEVENS of Minnesota. Then the real purpose of this bill is not to move the American crops, but to insure a transfer of ships from foreign flags to the American flag by giving the owners a bonus or subsidy for that purpose? Is that the purpose of the bill?

Mr. UNDERWOOD. I am afraid my friend from Minnesota has a very fevered imagination in regard to this bill. As far as I am concerned, I would welcome ships owned by American citizens, flying the American flag, bought in any port of the world. But that is not the purpose of this bill. The gentleman himself said that American ships could not get American insurance, as shown by the testimony before his committee.

Now, whose crops are we attempting to move? The crops of the people of America, in British ships to some extent, but they can not furnish all the tonnage that is required. The gentleman from Minnesota himself told you yesterday that the crops were not being moved because the exchange between this country and foreign countries had not yet been arranged. There is some movement, of course, but there will be a greater demand for moving crops. But I made the statement yesterday, and I repeat it to-day, that American ships are lying in American harbors with American cargoes that can not move because they have not insurance, and you would make them give way to British ships and British insurance rates.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended, because I want him to read a telegram just received.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that the time of the gentleman from Alabama be extended for five minutes. Is there objection? [After a pause.] The Chair hears none. The gentleman from Alabama is recognized for five minutes.

Mr. UNDERWOOD. I have said all I desire to say.

Mr. ADAMSON. Then I will ask the gentleman from Missouri [Mr. ALEXANDER] to read the telegram himself.

Mr. MADDEN. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. I think the gentleman from Illinois will yield for the reading of the telegram.

Mr. ALEXANDER. Mr. Chairman, the secretary of the gentleman from Tennessee [Mr. AUSTIN], who is now sick and unable to attend on the floor of the House, brought this telegram from Mr. AUSTIN for consideration of the committee. It is addressed to him by James A. Farrell. It reads:

Hon. RICHARD AUSTIN,
House of Representatives, Washington, D. C.:

The American steel industry is suffering in its export trade owing to lack of over-sea transportation, and Government war-risk insurance is essential to restoring such transportation. The bill permitting American registry of foreign-built ships will be ineffective unless the Government war-risk insurance bill is promptly passed. Will you not lend your great influence to its prompt passage as a national necessity?

JAS. A. FARRELL.

Mr. MOORE. Mr. Chairman, will the gentleman yield before he takes his seat?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Pennsylvania?

Mr. MADDEN. Mr. Chairman, I thought I had the floor.

Mr. ALEXANDER. I will yield to the gentleman, with the permission of the gentleman from Illinois, but I do not want to trespass on the time of the gentleman from Illinois.

Mr. MOORE. I want to ask the gentleman from Missouri whether Mr. James A. Farrell is not one of the men who signed the petition that came from the American Chamber of Commerce requesting this legislation, and whether he is not the president of the United States Steel Corporation?

Mr. ALEXANDER. I understand he is the same gentleman.

Mr. MOORE. May I ask the gentleman this further question, whether it is not a fact that the Standard Oil steamers, carrying the Standard Oil products, are now being held up in some of the ports of the United States?

Mr. ALEXANDER. I do not know as to that. What is the gentleman's attitude? Does he take offense because Mr. Farrell takes this position in regard to this legislation?

Mr. MOORE. I take the attitude because it has been the policy of the majority to denounce such men as Mr. Farrell, and now it appears that this legislation is brought in here largely at his suggestion.

Mr. ALEXANDER. Is the gentleman opposed to this policy?

Mr. MOORE. Yes; I am opposed to it because I do not believe there is any reason for the United States taking any such risks as this and venturing the people's money in such a hazardous enterprise.

Mr. ALEXANDER. In the gentleman's opinion is the United States Steel Corporation a legitimate industry?

Mr. MOORE. It is a legitimate industry, no doubt, but the question is whether this House, which claims to be legislating only for the benefit of the people, should in this instance legislate in the interest of Mr. James A. Farrell and the United States Steel Corporation.

Mr. MANN. Mr. Chairman, will the gentleman from Missouri yield to me for a moment?

The CHAIRMAN. The Chair wishes to state that this debate, so far as this paragraph is concerned, is proceeding by unanimous consent.

Mr. MANN. Yes; and has been for some time.

Mr. ADAMSON. Mr. Chairman, I will yield to the gentleman, but I do not want the time to be taken out of the time that belongs to the gentleman from Illinois [Mr. MADDEN].

Mr. MANN. What is the date of that telegram?

Mr. ALEXANDER. It is not dated.

Mr. MANN. Well, undated telegrams are not worth much.

Mr. ALEXANDER. I simply discharged what I understood to be a courtesy to the gentleman from Tennessee [Mr. AUSTIN] in reading it.

Mr. MANN. I read a later telegram myself the other day from Mr. Farrell.

Mr. ALEXANDER. Since there is no date to this, how does the gentleman know his is later?

Mr. MANN. I know, because I think I received a copy of the same telegram several days ago from Mr. Farrell, as I received telegrams from these other people who did not know what the war insurance bill was, before it was introduced.

Mr. ALEXANDER. The gentleman is questioning me in regard to a question of fact about which I have no knowledge.

Mr. MANN. I called the turn on you as to the date of the telegram, though, did I not? [Applause on the Republican side.]

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] is recognized.

Mr. MADDEN. Mr. Chairman, I started out with the idea that I would like to see some bill passed to facilitate the movement of the crops of the country, but I do not believe that this bill will help the movement of the crops at all. I think that this bill will simply help to get the country into trouble.

We are appropriating \$5,000,000 to organize an insurance company in the Treasury Department of the United States, which insurance company when organized will be a private institution, but nevertheless will be understood everywhere to be the Government itself. While England has been said to insure all war risks, England is in a different attitude from this country. England is a belligerent. We are a neutral Nation. We ought not to do anything whatever in the performance of our duty that will in any wise jeopardize the neutrality of the United States. The ships to be loaded with cargoes which can not move are not being held because of want of insurance. They are being held because the Bank of England is issuing emergency notes. They have suspended the gold reserve.

The rate of exchange between New York and London is so high and the value of the money issued by England is so doubtful, and will continue to be so doubtful until the outcome of the war is known, that nobody wants to take the risk of sending his goods across the sea without knowing what will be the value of the money he is to receive in exchange.

The establishment of this bureau in the Treasury Department will in no wise remedy the difficulties of exchange. Ships are more abundant than cargoes. Cargoes can not be had by the ships that are looking for them. The passage of this bill will not in any wise remedy that difficulty, and the difficulty will not be remedied until we have some assurance as to what the rate of exchange will be and what is the value of money that is to be paid for these cargoes; and until there is some definite information as to what the probable outcome of the war is to be, this uncertainty as to the money value will still continue.

America ought to continue neutral. It ought not to do a thing that will jeopardize that neutrality. This bill, if enacted into law, will, in my judgment, be one of the most certain acts we can commit to disturb the feeling of safety among the American people. The American people are patriotic. They want their Representatives here to maintain the peace of the Nation. They do not want in any wise to be identified, directly or indirectly, with this war abroad. The American people are courageous. They are not afraid to fight. But there is no need for us who speak for them to jeopardize the peace and prosperity of the country by the enactment of any law that will in any wise promote any chance of the Government mixing in anything that may by any possibility bring this Nation into trouble. The Government itself ought not as a neutral nation to enter upon any such enterprise as this.

I yield to no man, Democrat or Republican, in my loyalty to the American flag. There ought not to be, and I believe there is not, any politics on this floor in the consideration of any legislation designed to alleviate the conditions which exist on account of the war abroad. Every man here stands as an American, whether he be a "little American" or a great American; and I would rather be considered a "little American" and do the thing that my conscience tells me will safeguard the peace and honor of the American people than to be considered a great American and do the thing that may lead them into possible war. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BUTLER. Mr. Chairman, I desire to speak on the formal amendment offered by the gentleman from Illinois [Mr. MADDEN].

Mr. UNDERWOOD. Mr. Chairman, does the gentleman want five minutes?

Mr. BUTLER. Yes. I want to get some information from the gentleman from Alabama, and I hope I may get it in five minutes.

Mr. UNDERWOOD. I ask unanimous consent, Mr. Chairman, that the gentleman from Pennsylvania [Mr. BUTLER] may have five minutes, and that at the end of five minutes the debate on this section close.

The CHAIRMAN. The Chair will state that the debate on this amendment has closed now.

Mr. UNDERWOOD. I know that.

Mr. BUTLER. I am obliged to the gentleman for his courtesy.

Mr. UNDERWOOD. I just want it understood that at the end of five minutes the Clerk shall read.

Mr. BUTLER. When the gentleman from Alabama [Mr. UNDERWOOD] made his forceful speech yesterday I had hoped that he would have time to permit some interrogatories to be put to him. I wanted to ask him where these ships are. I

wanted to ask him what they are loaded with, and I wanted to ask him who owns them. But inasmuch as the gentleman in the course of his remarks did not have time to answer the question put to him by the gentleman from Illinois [Mr. MADDEN], I assumed that he would have no time for me. Therefore I made it my business to inquire of the highest authority this morning where these ships are, what they are loaded with, and who owns them. I went to the Chief of the Bureau of Navigation in the Department of Commerce, and was there told by the chief that they had no information to give me, because they had none beyond that which they had learned from the gentleman from Illinois [Mr. MANN] in his remarks made in the House and the interview which he had had with Mr. James E. Farrell a few days ago.

In referring to Mr. Farrell, I speak of him as a friend. I have no objection to the United States Steel Corporation, and I have done nothing in this House knowingly to injure any legitimate business. Therefore what I say is not intended to reflect upon or to incite any feeling of opposition to Mr. Farrell or the business interests which he represents. He is one of the greatest giants in his line of business in the United States. But if the gentleman from Alabama [Mr. UNDERWOOD] can tell me without accusing me of being un-American, I ask him to tell me where these ships are, what they are loaded with, and who owns them? His general statement does not satisfy me. I must have the particulars. I desire to vote with the gentleman when I think he is right, whether he charges me with being un-American or not. I do not care for his opinion. I do not ask anyone to certify to my Americanism. [Applause.] But I would rather that American bins should be filled than American graves. I prefer panics to wars; that crops should rot rather than human bones. I want it understood in this House—and I may have occasion to refer to it hereafter—that I enter my solemn protest against anything this House may do or propose to do that will tend to complicate us with these belligerent nations who are now shocking the sense of humanity the whole world over.

Why should we take the risk? Let me ask the gentleman why should we pass this law? What necessity is there for it? Its wisdom is doubted by almost every man in this House, even the gentleman from New York [Mr. FITZGERALD]. If I had not been convinced before, I would have been convinced after hearing him. Now, cotton is not contraband; it can be carried; it needs no insurance. Wheat is contraband, and it can not be carried without risk. When the belligerents grow hungry, let them come to be fed. If we take their markets while they are in battle, we will naturally excite their ill will toward us. Let the American market man restrain his ambition for greater profit until danger to his country is passed. Let us confine the trade to American coasts and thereby increase our own safety. I will not vote for any measure or provide any means to help anybody to help himself or to assist in transporting questionable goods to any of these belligerent ports at this time. I wish here and now to make it known that no charge of poor Americanism or lack of proper American spirit can tempt me to alter my fixed purpose and to the best of my poor ability to keep my country out of a war.

Of course my timidity and apprehension may render me subject to the charge that I am a poor specimen of an American citizen, but if so I will make an effort to live it down. [Applause.]

Mr. MOORE. I ask unanimous consent that the gentleman from Alabama be given five minutes in which to answer the gentleman from Pennsylvania [Mr. BUTLER] on the question of the location of these ships and the character of their cargoes.

Mr. UNDERWOOD. Mr. Chairman, I will answer, if there is any answer needed, when another paragraph has been read. I am more anxious to pass this bill than to answer the gentleman from Pennsylvania, and I have already stated where my information came from and where the ships are.

Mr. MOORE. It would help us very much in the consideration of the bill.

Mr. UNDERWOOD. The information is in the Record.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

Sec. 2. That the said bureau of war-risk insurance, subject to the general direction of the Secretary of the Treasury, shall, as soon as practicable, make provisions for the insurance by the United States of American vessels, their freight and passage moneys, and cargoes shipped or to be shipped therein, against loss or damage by the risks of war, whenever it shall appear to the Secretary that American vessels, shippers, or importers in American vessels are unable in any trade to secure adequate war-risk insurance on reasonable terms.

Mr. LEWIS of Maryland. Mr. Chairman, I offer the following amendment.

Mr. STAFFORD. I have an amendment.

The CHAIRMAN. The gentleman from Maryland [Mr. LEWIS] offers an amendment, which the Clerk will report. The Clerk read as follows:

Amend section 2 by adding the following:

"Provided, That the Secretary of the Treasury shall have power, in his discretion, to extend the provisions of this act to marine risks, if he shall find that the rates charged therefor are excessive and tend to prevent export commerce."

Mr. FITZGERALD. I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from New York reserves a point of order.

Mr. LEWIS of Maryland. Mr. Chairman, I ask unanimous consent for 10 minutes to explain the facts which lead me to offer this amendment.

The CHAIRMAN. The gentleman from Maryland [Mr. LEWIS] asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. LEWIS of Maryland. Mr. Chairman, this is an emergency measure, according to the explanation of its supporters. What is the emergency? It is the alleged fact that insurance for the risks of war are not adequately provided by private concerns; or, stating it in another way, that these private concerns ask from the shippers prohibitive rates. Prohibitive rates would visit the same effects on our commerce that no insurance would visit. The emergency is therefore a question of the economic charges which our export commerce can bear and move.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question right there?

Mr. LEWIS of Maryland. I yield to the gentleman, but I ask him to make his question short, as my time is limited.

Mr. MADDEN. I will. Does the gentleman not think that there is a great possibility of the ships insured by this bill charging greater freight rates than they ought to charge; and if we insure them, ought not the Government to see what the freight rates are before issuing the insurance?

Mr. LEWIS of Maryland. I can not go into that question now. Now, on the question of insurance rates this commerce has two kinds of risks to meet. The first is the risk that is denominated the perils of the sea. Do these insurance companies act under motives which may make those rates prohibitive? With regard to the risk of perils of the sea the bill leaves this commerce to the marine companies, as now organized, and the question is presented, May they not in this contingency exact rates that will prove equally prohibitive with their war-risk rates in the movement of our commerce? Gentlemen, as bearing on that subject I want to refer you to some facts which are, it seems to me, of momentous importance. One fact is this: In the year 1911 the marine insurance companies of the United States collected from our shipping a little more than \$4,500,000 for insurance. They paid back in losses a little less than \$1,500,000. In short, for performing the function of collecting \$1 from the average of commerce and paying it to the unfortunate owner of ship and cargo they exacted \$3. I shall append to my remarks the statistics of both sides of the ocean for a number of years.

They exact a rate of 300 per cent for the actual risk involved.

That figure is not exceptional. When you consult marine insurance experience on the continent of Europe, you find in that same year 378,000,000 marks collected with an insurance loss of 135,000,000 marks, and that state of affairs characterizes the normal operation of the marine-risk insurance of this and other countries.

I want to say to the gentlemen of the House that under these circumstances if figures like these characterize private marine insurance in times of peace our commerce may be in grave peril in time of war, because under the provisions of this bill the hands of the Secretary of the Treasury would be effectually tied from extending the kind of insurance which might, indeed, be most strenuously required.

The amendment that I have offered simply provides that if the Secretary of the Treasury finds that the rates for marine insurance are excessive and such as to prevent the movement of export traffic, then he shall have the power to extend the provisions of this bill, not permanently and forever, but temporarily, to cover the marine risk as well as the war risk.

Gentlemen of the House, there are other reasons why this subject should be given entire to the hands of the administrative authorities. If we leave them only the war risk, what are we going to find? I fear we will find that the ingenuity of the shipper will discover those particular occasions when the boat and cargo are in probable danger and insure only those risks, and with reference to the other shipments, where there is no

danger, there will be no insurance premiums paid and nothing to go to the Federal fund to meet the disasters expected.

But if the Secretary of the Treasury is given the right to discharge the entire function during this period of our terrific emergency, then the income to the fund to meet the occasions of loss and indemnification will pour down in general averages as rains from the sky from lucky and unlucky commerce, and we will have a fundamental average to support the fund against the maximum of losses.

I know how much prejudice there is with regard to the Government engaging in what they call private business. Gentlemen, the marine insurance of the United States can not look a business man in the face and say that it represents private business. A concern that methodically, in season and out of season, collects \$3 for every one it pays back in losses is not entitled to be dignified with the name of private business, to say nothing of the fact that these marine concerns are in the form of a trust and completely monopolize the business.

Now, gentlemen of the House, I have performed what I esteem to be a duty this afternoon. I am not propagandizing to this House. I say that the Secretary of the Treasury, the Government of the United States, is entitled in this emergency to collect the premiums as well as to pay the losses of insurance on our foreign commerce. The Secretary of the Treasury can surely be trusted to employ this amendment if he finds that the exigencies of our commerce justify and require it.

The bill still retains the clause providing for the repeal or suspension of the act when the war emergency is over. Meanwhile, it seems to me that when we go into the saving of commerce we have a right to think of the farmer who has to pay an extra cent a bushel on his wheat to pay for marine insurance. I repeat that they are not entitled to the considerations that extend to competitive private business, because their management of marine insurance is reeking with waste and is simply a challenge to economic organization and business efficiency wherever it may exist. [Applause.]

Lloyds and interinsurance associations—Statistical Abstract, 1912.
UNITED STATES.

Calendar year.	Total income.	Losses paid.
1903.....	\$2,972,800	\$1,057,238
1904.....	2,888,366	1,538,505
1905.....	3,337,939	1,371,417
1906.....	3,637,254	1,441,333
1907.....	4,298,640	1,616,001
1908.....	4,578,875	1,865,181
1909.....	4,719,072	1,938,834
1910.....	4,111,214	1,644,002
1911.....	4,504,793	1,440,809

Transport insurance, premiums, and damages—Marine Insurance Annual, 1913.
CONTINENTAL EUROPE.

Year.	Gross premium income.	Damage payments made and held over.
	Marks.	Marks.
1900.....	237,743,912	98,333,812
1901.....	241,068,456	95,935,076
1902.....	227,159,966	88,887,799
1903.....	246,173,837	91,594,271
1904.....	262,536,335	97,350,933
1905.....	277,523,351	100,248,185
1906.....	299,272,754	110,650,010
1907.....	313,035,362	123,980,425
1908.....	300,894,382	118,156,034
1909.....	309,091,075	117,838,975
1910.....	326,459,854	119,007,221
1911.....	378,201,624	135,195,995

Mr. MANN. Mr. Chairman, several gentlemen have to-day tried to extract from the gentleman from Alabama [Mr. UNDERWOOD] information, but without success. The gentleman from Alabama states that all along the Atlantic and Gulf coasts and Pacific coast American vessels are lying loaded in ports afraid to depart for lack of war-risk insurance. Where are they going to? There are no American vessels to speak of in the foreign trade. Can it be possible that the owners of American vessels are so fearful of the present administration that they are afraid to sail along the coast in the coastwise trade? I do not think they have reached that point of pusillanimity. I will say that I do not believe the gentleman from Alabama can name a single case, not one, which bears out his statement.

Mr. UNDERWOOD. Mr. Chairman, the gentleman from Illinois does not desire to misinterpret what I said, if anyone else

does. It is in the RECORD. I said I had received the information from the Secretary of the Treasury of the United States, and he urged me on that account to push the passage of this bill, and I am satisfied that the Secretary of the Treasury would not have so informed me if he had not been advised to that effect.

Mr. MANN. I heard the gentleman make the statement today himself. He made the statement himself that this was the case.

Mr. UNDERWOOD. I stated yesterday, and it is in the RECORD, that the Secretary of the Treasury had advised me to that effect, and I now state that it is to that effect, and call attention to what the gentleman from Florida [Mr. WILSON] informed me while I was making the statement about vessels in his own port.

Mr. MANN. If the gentleman made the statement yesterday, he ought by this time to have secured the information. If the Secretary of the Treasury yesterday had information known to anyone else in the world that all along the Atlantic and Gulf coasts and Pacific coast laden American vessels were waiting in port afraid to depart, God knows he ought to be able to furnish some specific instance. I deny that that is the fact.

I called to the attention of the House the other day what the situation is. I called the attention of the House the other day to the fact that three weeks ago, within a day or two, this House passed a bill for the purpose of allowing American registry to foreign-built vessels; that nearly two weeks ago that bill was agreed to by the Senate after they had rejected a conference report; that the regulations which the President is to make under that bill are not yet made; and that a great many foreign-built ships, owned practically by Americans, were asking to have the regulations put into force so that they could take out an American registry. I read a telegram from Mr. Farrell, whose telegram has been read this morning, stating—

We are patiently awaiting issuance of proclamation in order to be in an intelligent position as to whether we can put these steamers under American flag immediately and operate them competitively with steamers in over-sea trade under other flags, as our steamers are being held in various ports at very heavy expense. Would appreciate advice as to about when information will be available to enable us to determine what to do.

These are foreign-built vessels flying a foreign flag. We propose to give them the American flag. More than a week ago the bill went to the President for his signature, and was signed, I believe, more than a week ago. He has the power to make the regulations. The regulations have not been made. These vessels are being held in port because they want to take out an American registry, and they can not do so owing to the lack of something on somebody's part connected with the departments or with the administration.

The CHAIRMAN (Mr. HAY). The time of the gentleman from Illinois has expired.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, it is perfectly patent to anyone that American vessels are not waiting in port for a war-risk insurance bill, because we have practically no American vessels in the foreign trade. Those few which are in the foreign trade are now making their regular sailings and have been since the war commenced. Those American vessels in the coastwise trade are not waiting in port for war-risk insurance. The man is silly who thinks there is any war risk about sailing from Galveston to New York along the American coast, unless in the wildness of his imagination he has reached the point where he thinks this country is engaged in war. Is it possible that this bill is upon the theory that we are soon to be at war with some other country? The gentleman from Alabama [Mr. UNDERWOOD] yesterday used considerable language about being willing to defend the flag abroad on our vessels. Well, we are all willing to do that, but we do not want to be in a position where we have to fight for the flag or anything else at the present time. We want to keep out of war. [Applause.]

Mr. BUTLER. Mr. Chairman, let me call the gentleman's attention to the remark of the gentleman from Alabama yesterday about shots being fired across the bows of these ships.

Mr. MANN. Mr. Chairman, I was absent from the Chamber yesterday when the gentleman from Alabama made his speech, having some fun with the dentist, so did not hear it, and did not read it until a moment ago, when, understanding that the gentleman said that he had inserted in the RECORD a list of these vessels, I looked at the speech of yesterday, but did not find the list.

Mr. UNDERWOOD. Oh, the gentleman is misquoting me again.

Mr. MANN. I said "understanding" that the gentleman said that.

Mr. UNDERWOOD. I did not say that.

Mr. MANN. I know that, but I have no doubt—

Mr. UNDERWOOD. The RECORD shows what I did say and where I got the information, and I object to the gentleman putting any language of that kind in my mouth.

Mr. MANN. I did not put language in the gentleman's mouth.

Mr. UNDERWOOD. When the gentleman says that I said I put a list in the RECORD, he did put language in my mouth.

Mr. MANN. Oh, if the gentleman will just sit still for a moment, he will be better off. The gentleman is very touchy this week, since his war resolution of last Tuesday. [Laughter and applause on the Republican side.] He has been cussed by so many men so strongly that it has got on his nerves a little bit.

Mr. UNDERWOOD. Not at all. But the gentleman from Alabama is anxious to have this House do business, which the gentleman from Illinois is not.

Mr. MANN. That is an untrue statement.

Mr. UNDERWOOD. It is not untrue.

Mr. MANN. I would not say that it is a falsehood, because that would not be parliamentary language.

Mr. UNDERWOOD. It is not untrue.

Mr. MANN. It is untrue.

Mr. UNDERWOOD. It is not. The gentleman has conducted a filibuster here for weeks against the legitimate business of the House.

Mr. MANN. The gentleman is making another untrue statement.

Mr. UNDERWOOD. I shall not indulge in unparliamentary language, but the gentleman can not put language of that kind into my mouth.

Mr. MANN. I do not endeavor to put any language into the gentleman's mouth. In looking over the gentleman's speech, in looking for the list that was not there, I found this language:

Days ago unanimous consent was asked in this House for the consideration of this bill, and objection came from the leader of the minority party, clearly, from what I have heard to-day, voicing the un-American sentiments of his own party.

Mr. Chairman, that statement is untrue in its inference. It is true that I objected to the then consideration of the bill, but when the gentleman from Alabama, dealing in what he does not often deal in, cheap and very cheap demagoguery, endeavors to say that any party in this House is un-American, with the present crisis in the world and the present situation of this country in the world, when he says that any party is un-American in this country, he is descending to the very lowest depths of nonsense and silliness and untruthfulness. [Applause on the Republican side.] I am surprised that the gentleman from Alabama, usually cool and affable, should undertake to say that the Republicans of this House or the Progressives of this House are un-American because they do not happen to agree with him on a certain bill. Mr. Chairman, it does not need denial—

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. MANN. It does not need denial from me when he says that I am un-American. I am quite willing to put my Americanism and my record of it at any time against that of the gentleman from Alabama. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, the gentleman from Illinois endeavors to hide his doubtful position by inaccuracy of statement. I have not charged the gentleman from Illinois with being un-American. I charged his party with being un-American in their action upon this bill, and I said yesterday that when the gentleman objected to the unanimous consent for the consideration of this bill he was evidently acting in harmony with his party, and I say it now. You may criticize this bill as much as you please. You may say that there is no necessity to insure American ships carrying the American flag. You may pretend to say that this bill will endanger our peaceful relations with Europe, but when you say it you know that it is not true. There is nothing in this bill that will provide our ships against a war risk that would change their condition one iota, if they were insured by a private company instead of by a bureau of the American Government, and to say that there is is cheap claptrap. I do say to the gentleman from Illinois [Mr. MANN], and to his party, that the American people are facing a commercial crisis, one of the most serious commercial crises that this country has faced since the Civil War, brought about by conditions over which they have no control; and when the President of the United States, occupying his high office, a man whom everyone in this country knows if he erred at all

would err on the side of peace rather than on the side of belligerency, a man of high character and standing, approved by the American people from ocean to ocean [applause on the Democratic side]—when he says that this simple bill should be passed, a bill that can put in question only a few millions of the people's money, that can work no injury except possible injury to those insurance companies of foreign countries who are temporarily taken out of this country and who want a vacuum left for their business when they choose to come back again—when he says, under the authority of his high office, that it is necessary to pass this bill and pass it at once in the interest of the American people, in the interest of the American commerce, when I say that the party and the leadership on this floor that would delay by parliamentary methods the passage of this bill, attempt to prevent it going on the statute books to relieve the situation that the President of the United States thinks is an emergency, I say now and I will continue to say that that party and that leadership is un-American. [Applause on the Democratic side.]

Mr. CAMPBELL. Mr. Chairman, it fell to my lot on yesterday to make the first observations made upon the floor on this bill. I am a Republican. I announced that the bill was not, in my judgment, a subject for partisan consideration. I had on the day before attended a meeting of the Committee on Rules and voted for a rule to expedite the passage of the bill because the President of the United States had been reported as saying there was an emergency for its consideration. I made the first observations, as I say, on the subject of the bill itself. I announced then that with some misgivings I would support the bill. I resent, therefore, the statement made by the gentleman from Alabama [Mr. UNDERWOOD] yesterday and repeated again to-day that the party of which I am a member is un-American or that I as a member of that party am un-American. I repeat—

Mr. UNDERWOOD. Will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. UNDERWOOD. But the gentleman can clearly understand that my remarks could not apply to him when he is supporting the bill. It is to those who are trying to use parliamentary tactics to prevent its passage to whom they apply. [Applause on the Democratic side.]

Mr. CAMPBELL. Mr. Chairman, I am in the Republican Party. [Applause on the Republican side.] I do not allow myself to be put outside of that party by simply supporting what I regard as a nonpartisan measure at a time when the President of the United States says there is an emergency for its consideration, and I regret exceedingly the leader of the majority upon the floor has made of a measure that ought not to have been considered from a partisan standpoint at all a real partisan measure. Notwithstanding the attitude of the gentleman from Alabama I shall vote for the bill.

Mr. MOORE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. I would like to know the parliamentary status.

The CHAIRMAN. The gentleman from Maryland offers an amendment, to which the gentleman from New York reserved the point of order. Does the gentleman from New York insist on the point of order?

Mr. FITZGERALD. Mr. Chairman, no request has been made that the Government provide marine insurance for American vessels and cargoes. If the statement be true that a large portion of the cotton crop is to be held over until next season, and that at least four and a half million bales will not be exported that would be under other conditions, the amount of marine insurance to be done will be so greatly curtailed that the marine underwriters will be overanxious to secure marine insurance or war-risk insurance. Whatever justification there may be for the Government to underwrite war risks on American ships at this time there seems to be none whatever to extend it to the underwriting of the ordinary marine risks. Under such circumstances, I am unwilling that such a provision should be incorporated in the bill. This bill deals with war risks; they are entirely distinct from marine risks, and I make the point of order that the amendment is not germane to the bill.

Mr. LEWIS of Maryland. Mr. Chairman, I have not heard anything on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Maryland on the point of order.

Mr. FITZGERALD. The point of order was that the amendment is not germane to this bill.

Mr. LEWIS of Maryland. Mr. Chairman, what are we dealing with here to-day? We are dealing with the subject of marine insurance; and war risks are a part and parcel of marine risks, because they occur to marine subjects and only under marine circumstances. The bill as it now stands would

detach, as it were, an arm simply from the body of marine insurance. The subject of marine insurance, Mr. Chairman, embraces war risks as well as ordinary perils of the sea. It is one subject; it is one organic fact; the policy that covers it is one policy and the agency which deals with the subject is one agency. It is one thought and one theme and one situation, and, on the argument of germaneness, if perils of the sea are not germane to war perils of the sea, then I know of no standard of germaneness that is intelligible to the human intellect. Now, with reference to the exigencies—

The CHAIRMAN. The Chair only wants to hear the gentleman on the point of order.

Mr. LEWIS of Maryland. The Chair heard the other gentleman on everything but the point of order, and I wanted to answer him.

The CHAIRMAN. Of course if the gentleman wants to speak on the merits of the bill—

Mr. LEWIS of Maryland. Mr. Chairman, we are dealing with one organic subject, the subject of marine insurance, and any element of marine insurance is germane to this bill, because its subject is marine insurance and the particular incidents of marine insurance. I should like the Chair to give careful thought to this proposition before he sustains the objection of the gentleman from New York. [Applause.]

Mr. FITZGERALD. Mr. Chairman, the bill creates—

The CHAIRMAN. The Chair is ready to rule. This bill is a bill for the purpose of providing a bureau in the Treasury Department for war-risk insurance. The amendment offered by the gentleman from Maryland [Mr. LEWIS] provides not only for war-risk insurance but for insurance against any danger which might be incurred at sea from wind or tide. It would authorize this bureau to insure ships in the coastwise trade, and to the Chair it is very clear that the bill is not intended to be so wide in its scope, and therefore the amendment of the gentleman from Maryland is not germane to the purposes of the bill, and the Chair sustains the point of order.

Mr. LEWIS of Maryland. Mr. Chairman, for information—

Mr. STAFFORD. Mr. Chairman, I offer the following amendment.

Mr. LEWIS of Maryland (continuing). From the Chair. What do I understand the rule of germaneness to be?

The CHAIRMAN. The Chair has given his ruling, and if it has not been understood by the gentleman the Chair is sorry. The gentleman from Wisconsin [Mr. STAFFORD] offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 2, line 17, after the word "terms," insert:

"Provided, That the provisions of this act shall not apply to any vessel, its freight, passage money, or cargo, subject to seizure under the provisions of the declaration concerning the laws of naval warfare, done at London, England, on the 26th day of February, 1900, and duly signed by the accredited representatives of the United States."

Mr. UNDERWOOD. Mr. Chairman, I reserve a point of order on that.

Mr. STAFFORD. I would like to have the point of order disposed of immediately, if it is subject to a point of order. I do not think it is.

Mr. UNDERWOOD. Mr. Speaker, I thought the gentleman wanted to make a speech.

Mr. STAFFORD. I do wish to speak to the amendment with the idea of having it adopted, because I think it will safeguard the interests of this country as to getting involved in foreign warfare.

Mr. UNDERWOOD. As I understand the amendment as it was read from the Clerk's desk, it is an effort to make a declaration in this bill of the law of neutrality—the law of nations. Well, now, I do not differ with the view of the gentleman from Wisconsin in reference to this matter, but I do not believe it would be wise to attempt to make a declaration in this bill of what the law of nations is and commit ourselves to the declaration, but leave the prize courts of the world to decide the law as they find it.

Mr. STAFFORD. Will the gentleman now argue on the merits rather than the point of order?

Mr. UNDERWOOD. That is the reason I make the point of order. Now, as to the point of order, this question is one of granting insurance. The declaration there is as to what contraband of war might be, which clearly is not germane to the question of granting war insurance. The question of what contraband of war may be, Mr. Chairman, in the last analysis, is a question for a prize court to determine.

The CHAIRMAN. Allow the Chair to say to the gentleman from Alabama that the amendment offered by the gentleman from Wisconsin simply puts a limitation on what cargoes, freights, and so forth, can be insured under this bill. Why is it not germane?

Mr. UNDERWOOD. Well, if it is written in the way of a limitation, I suppose it would be. Of course, I only heard it read from the Clerk's desk.

Mr. STAFFORD. The purpose was entirely a limitation on the character of insurance that might be undertaken by the Treasury Department.

The CHAIRMAN. The Chair overrules the point of order.

Mr. STEVENS of Minnesota. Is not the proper construction of this amendment rather that of a classification than a limitation? For example, if the Chair will look at page 2, line 24, it there provides for rates subject to change to each port and to a class, thereby classifying and defining the risk.

Now, all that this amendment does is to classify the risks covered by this bill exactly as does that line which I called to the attention of the Chair. This amendment classifies the risks which the law of the nations makes perilous and those which are not perilous; those which are subject to a high risk and rate and those that are subject to a low risk and rate, exactly as line 24 indicates. For that reason it seems to be very clear that the amendment of the gentleman is in order, if line 24 is in order, and, of course, that is the very essence of the bill, and is admittedly in order. The gentleman from Alabama [Mr. UNDERWOOD] discussed the merits of the proposition. Unless some of these risks can be included and others can be excluded by amendment, then, of course, there is no use of trying to amend anything. It is the very object of an amendment to clearly define the application of the measure. This amendment accomplishes just that thing and nothing else.

Mr. STAFFORD. Mr. Chairman, without fear of being classed as un-American, at least by my constituents, I rise to submit this amendment in all good faith as a patriotic, loyal American from a northern State. [Applause on the Republican side.] My discussion yesterday, when I was arguing along this line, was not prompted by any motive other than the highest of patriotism, and I think it ill became the leader of a great party to charge me as having been one who was prompted by unpatriotic motives when my sole and only purpose was to try to prevent this country from becoming involved in the European war.

The purpose of the amendment that I submit to-day is to safeguard the interests of this Government, so that no Secretary of the Treasury—not the President, but no Secretary of the Treasury—and no subordinate under him may involve this Government in war, and that we may not undertake as a war risk that which is known and established by all the maritime powers of the world in the declaration of the naval conference of London in 1909 as not permissible, namely, a belligerent merchant vessel after hostilities begin can not be transferred to the nationality of a neutral power when its purpose is obviously to evade the consequences of being seized as a prize by another belligerent.

The very purpose of the meeting in London in 1909 that, without reservation, agreed upon these articles was that there might be some established principles for the international prize court to follow in prize cases that were to be established as suggested at the second Hague conference, rather than to be allowed to grope around and follow the general principle suggested at the Hague conference of justice and equity. It was the purpose, as stated in the initiatory letter of Earl Grey, when he invited all the signatory powers that he deemed it advisable, for all the powers to have some defined, clearly expressed principles of international law on certain important subjects where the views of some of the countries were not in agreement that would guide that prize court in making its decisions.

Those principles have been now established. One of them is that a belligerent merchant vessel can not, after hostilities have begun, with the purpose of evading the seizure as a prize by another belligerent, cover itself under a neutral flag. It is being proposed and mooted by our officials here at Washington that these very belligerent vessels to-day should come under the American flag and involve us in a dispute at least, perhaps in war, with foreign nations. We read yesterday where the French ambassador, Mr. Jusserand, had served notice on the Secretary of State that he could not allow the German merchant vessels to be transferred to American registry, as it would be violative of their established principles of more than 100 years and of their understanding of international law.

Now, we are desirous on this side, and it does not need any public exposition of that fact, to assist the administration in its every endeavor in this great crisis that confronts the country, but we are also prompted with a higher motive and higher purpose that we should, first, as a duty to ourselves, protect ourselves and keep ourselves aloof from all foreign entanglements. And if there is going to be any policy adopted here that will even tend to entangle us, I for one, as an American, will cry

halt, and I will have no apology to make to my constituents for protesting against that policy that I conscientiously believe may tend to bring us to the brink of war. We should do no act that will cast in the minds of any belligerent Government even a suspicion of favoritism. If we maintain a high, lofty, and commanding position of strict neutrality to all in conflict, we will strengthen our power and influence abroad so as to use with telling effectiveness our good offices for the settlement, when the time arrives, of this dire catastrophe.

The amendment that I have offered is for the maintenance of absolute neutrality. Germany and her allies can not then complain of our Government assisting Great Britain in the conveyance of needed foodstuffs, nor can France in turn complain that the money from the sale of German merchant vessels should not be used as a succor to her enemies.

Adopt this amendment and you give certainty to the powers that may be exercised by the Treasury officials, so that our Government will not become a shield to dubious practices of private parties in violating the accepted principles of international law. Our one controlling thought should be to do naught that will involve or tend to involve us in the European conflict. Adhere to strict neutrality and our future is secure.

Mr. GREEN of Iowa. Mr. Chairman—

Mr. UNDERWOOD. Mr. Chairman, I desire to be recognized in opposition to the amendment.

The CHAIRMAN. Does the gentleman from Iowa desire to be recognized in opposition to the amendment?

Mr. GREEN of Iowa. Not in opposition. I had hoped, however, that the gentleman from Alabama [Mr. UNDERWOOD] would have given some others an opportunity to talk.

Mr. UNDERWOOD. Well, I would like to say a few words in opposition to the amendment. Suppose we agree that the debate on the amendment close in 10 minutes.

Mr. STEVENS of Minnesota. I would like five minutes of that.

Mr. UNDERWOOD. Then say 15 minutes.

Mr. MONDELL. I would like some time.

The CHAIRMAN. The gentleman from Alabama is recognized in opposition to the amendment.

Mr. ADAMSON. How much time does the gentleman want?

Mr. UNDERWOOD. If we can not agree upon reasonable debate I think it should be left for the House to determine.

Mr. ADAMSON. Mr. Chairman, I move that the debate on this section and all amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] moves that the debate on this section and all amendments thereto close in 15 minutes.

Mr. TOWNER. I hope the gentleman will not put his motion in that form.

Mr. ADAMSON. I simply want to curtail somewhat an endless debate.

Mr. TOWNER. Oh, I think this has not been an endless debate. I think these amendments are important enough to warrant at least a few minutes' debate.

Mr. ADAMSON. I modify that, Mr. Chairman, and move that all debate on this section and all amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] asks to amend his motion and moves that all debate on this section and amendments thereto close in 20 minutes.

Mr. MOORE. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania rise?

Mr. MOORE. I want to interrogate the gentleman from Georgia for a moment.

The CHAIRMAN. The gentleman from Georgia has made a privileged motion.

Mr. MOORE. The gentleman made a statement yesterday which I took in good faith. He said he did not want to abridge the right of debate. I have not spoken to-day. I have a few amendments here which I think should be considered. I have had no opportunity to offer either of them as yet.

Mr. ADAMSON. I will be glad to hear the gentleman's amendments, Mr. Chairman, and I am always glad to hear the gentleman speak and I am sorry he has not spoken lately.

Mr. MOORE. I remember distinctly that the gentleman stated yesterday that there would be full opportunity for discussion.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] moves that all debate on this section and amendments thereto close in 30 minutes. Is that the gentleman's motion?

Mr. ADAMSON. Yes; I accept that.

Mr. MOORE. Will the gentleman give me five minutes on one amendment?

The CHAIRMAN. The gentleman from Georgia accepts the amendment?

Mr. ADAMSON. I do.

The CHAIRMAN. The question is on agreeing to the amendment to the gentleman's motion.

The amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the motion as amended.

The motion as amended was agreed to.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] is recognized.

Mr. UNDERWOOD. Mr. Chairman, as I understand the amendment that has been offered by the gentleman from Wisconsin [Mr. STAFFORD], it is to declare what is contraband of war and to say that no insurance shall be placed on contraband of war.

Now, I am in thorough accord with the view that this insurance should not be given on contraband of war. I have not the slightest idea that this bureau for one moment will insure contraband of war. I would not be in favor of a bill that intended to insure contraband of war. But I want to say that the gentleman's amendment should be defeated, because this is no time for us to determine what is contraband of war. In the first place, it is beyond our power to determine what is contraband of war. Contraband of war is determined by the compacts of nations and the understanding of nations. It is determined by international law; in other words, and we can not make it any more than foreign nations can make the law as to what is contraband of war.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Pennsylvania?

Mr. UNDERWOOD. I will.

Mr. BUTLER. Will the gentleman explain while he is on this point how this amendment declares what is and what is not contraband of war? I understood that it simply accepted what should be determined as contraband of war by some other power than Congress, and provided that that should not be insured.

Mr. UNDERWOOD. I have not heard the amendment read at the desk, and I have not seen it, and I may be mistaken as to the contents of the amendment. Mr. Chairman, I ask that the Clerk read it in my time.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Page 2, line 17, after the word "terms," insert "Provided, That the provisions of this act shall not apply to any vessel, its freight, passage money, or cargo, subject to seizure under the provisions of the declaration concerning the laws of naval warfare, done at London, England, on the 26th day of February, 1909, and duly signed by the accredited representatives of the United States."

Mr. UNDERWOOD. Now, Mr. Chairman, the amendment does attempt to determine what is contraband of war. As I understand, this compact that is referred to in this amendment was signed up by the representatives of certain nations, but was not finally agreed to. It is true that some of the nations agreed to it, but Great Britain vetoed the agreement. I understand that within the last few days she has signified her desire to become a party to it, but this would attempt to take out of the State Department—to take out of that part of the Government that is charged with the consideration of these matters—the determination of this very question of contraband of war, and by an act of Congress seek to tie the hands of the administration of this insurance bureau, to force upon this country a provision that the Government of Great Britain some time ago refused to agree to, and which now, since war has begun, she is asking this country to agree to.

Now, it may be right; I am not prepared to say that that proposition is right or wrong; but I am prepared to say that this Congress should not at this time attempt to make a declaration of whether it is correct or incorrect. It should be left to the wisdom of the State Department and not to the legislative branch of the Government.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. GREEN of Iowa and Mr. STEVENS of Minnesota rose.

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] is recognized.

Mr. GREEN of Iowa. Mr. Chairman, I am in favor of the amendment because it makes what I consider a bad bill somewhat less objectionable.

This bill, Mr. Chairman, is not an emergency bill, for it has no emergency to meet. It is not an American bill, because it follows no American policy, and I challenge any gentleman to refute that statement.

What emergency is there of which any gentleman has given an account? The gentleman from Alabama [Mr. UNDERWOOD] has said that there are ships along our coast at various points—American ships, flying the American flag—that are unable to move across to Europe because they can not obtain marine insurance. I care not where the gentleman from Alabama got his information to that effect, it is not correct and can not be correct. We have in the European trade only half a dozen, or less, ships of the American Line—a line that was established by virtue of a law passed by a Republican Congress, I may say in that connection. Those ships are leaving in accordance with their prescribed dates. They have not stopped and laid in port, delayed by the want of any marine insurance, although they may not have sailed with a full cargo—as other ships, three in one day, have sailed without a full cargo—not because of lack of insurance, but because shippers could not be sure of getting their pay.

Now, the gentleman from Kansas [Mr. CAMPBELL] stated that this was not a partisan measure, and he regretted that partisanship had been brought into this discussion. I agree that it is not a partisan measure, but I insist that the gentleman from Alabama is responsible for partisanship being brought into the discussion.

The gentleman from Illinois needs no defense at my hands, nor would I perhaps be adequate to give it if it were necessary; but it was not the gentleman from Illinois who introduced partisanship into this bill, where it has no place and has no real purpose. It was the gentleman from Alabama [Mr. UNDERWOOD], who charged the Members upon this side as being un-American and unpatriotic.

Mr. BUTLER. He charged the whole Republican Party.

Mr. GREEN of Iowa. Yes; and he charged that we were obstructing the passage of the bill. The gentleman from Alabama [Mr. UNDERWOOD] knows, as no one else knows so well, that the roll calls that are being asked here by Members on both sides are not by reason of any spirit of obstruction to the passage of this bill or its coming to a vote, but they are because he has introduced a rule to remedy a situation and the spirit of which no one has violated more than the gentleman from Alabama himself.

Mr. UNDERWOOD. That statement is not true. It is absolutely not true, and you can not state that in my face.

Mr. GREEN of Iowa. Hold on.

Mr. UNDERWOOD. Mr. Chairman, I move to strike out the last word.

Mr. GREEN of Iowa. All I have to say is that the gentleman from Alabama—

Mr. UNDERWOOD. I thought the gentleman's time had expired. The gentleman said that I had violated the rule in the matter of being absent from this House more than almost anybody in it, did he not? Is that what he said?

Mr. GREEN of Iowa. I was just about to state in what manner, and if you will permit me I will state it now. I do not think you will deny it when I get through, whatever you may say at this time.

The CHAIRMAN. The gentleman from Iowa will suspend. The committee will be in order. Gentlemen will please be seated.

Mr. UNDERWOOD. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Alabama?

Mr. GREEN of Iowa. I do not, and I think when I get through the gentleman from Alabama, with whom I have always supposed I have stood on terms of friendship, will not differ seriously with me.

Mr. UNDERWOOD. All I have to say is that the gentleman may explain if he wishes.

Mr. GREEN of Iowa. I do not yield to the gentleman from Alabama. My statement is simply this, that the purpose of these roll calls has been to keep men on the floor here, and the gentleman from Alabama, however busy he may have been in other duties, knows full well that he has not been on the floor here for a very large portion of the time, and there are few gentlemen in the House who have been here on the floor less than the gentleman from Alabama has been actually on the floor. Now, I was about to state that the gentleman from Alabama might give a very reasonable and excellent excuse for his not being here, that he was occupied with other duties, but so could the gentlemen who have been called here by the rule which the gentleman from Alabama has invoked. Now, that was just what I was about to say, and I regret that any difference has arisen between the gentleman from Alabama, to whom I do not yield, and myself.

Mr. UNDERWOOD. Mr. Chairman—

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. I ask unanimous consent to proceed for three minutes more.

Mr. WILSON of Florida. I object.

Mr. UNDERWOOD. I ask the gentleman to withdraw that objection.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for three minutes.

Mr. WILSON of Florida. I withdraw the objection.

Mr. UNDERWOOD. But before the gentleman occupies his three minutes I want three minutes in which to answer the statement which he has made, and then he can answer, if he pleases.

Mr. GREEN of Iowa. I did not intend to refer to the gentleman from Alabama any further.

Mr. BUTLER. Has objection been made?

Mr. WILSON of Florida. I withdraw the objection.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the time of the gentleman from Iowa be extended for three minutes.

Mr. UNDERWOOD. And that I may have three minutes.

The CHAIRMAN. Is that to come out of the 30 minutes already agreed upon, or is it to go beyond it?

Mr. UNDERWOOD. To go beyond it. I do not want to interfere with that. I mean six minutes in addition to that.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the gentleman from Iowa may proceed for three minutes, and that then the gentleman from Alabama may proceed for three minutes, the six minutes being in addition to the time agreed upon heretofore by unanimous consent. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from Iowa [Mr. GREEN] is recognized for three minutes.

Mr. GREEN of Iowa. Mr. Chairman, I was about to make certain observations on the charge made by the gentleman from Alabama [Mr. UNDERWOOD] that the Members on this side were acting in an un-American and unpatriotic spirit in opposing this bill. I say the bill is not an American bill. It does not follow any American policy. It has not been the policy of America to do anything by subterfuge that it can not do in the open, and it has not been the policy of America to permit any foreign nation to impose upon its own lawful rights, and that is what this bill provides for. It is either for the purpose of insuring contraband of war or else it is not, one or the other. If it is for the purpose of insuring contraband of war, then it is for the purpose of violating the rights of other nations, and for that reason is more than likely to lead us into untold trouble. If it is for the purpose of insuring something that is not contraband of war carried in American vessels, then I want to say that we should insist on our own rights and permit no one to violate them. But no other nation threatens a violation of our rights. There is no occasion for this bill when we talk about insuring legitimate, honest risk. If there is any emergency, if there is any occasion for this bill at all, it is because some one wishes to evade international law and impose on the rights of other nations. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, the gentleman from Iowa [Mr. GREEN] a moment ago stated that I had violated the rule as to absence from this House more than most of the Members in it, and then when I challenged it, attempted to explain it. Now, Mr. Chairman, I have been here almost continuously for three years. When other Members went home after the adjournment of the last Congress, I stayed here. Whilst this Congress was doing business I went home to vote one day. I got home on Saturday night, voted on Monday, and left on Tuesday. I was detained two or three days by reason of sickness in my family, and had to go to Florida for that reason. Later on, last summer I suffered from a very bad cold, which most of the Members on the floor of this House knew was a fact. I stayed here as long as I could, and finally, upon the order of two physicians, I went to the mountains and stayed there 11 days, when I came back, and I have been here continuously ever since. [Applause.]

I have been away from this House during that time—I am not referring to the time when we had an agreement not to do any business last summer, because we nearly all went away—but while the House was doing business my absence from here, except on account of sickness, which was only a short time, has been the two days I was at home when I voted.

Now, the gentleman complains that I am not always on the floor. I am always here when the roll is called, and I am always here when my party requires my presence or my vote. My room is just across the corridor from this Hall, as the gentleman well knows, and I am not out of this room because of my own desire. The time that I spend in my office is because gentlemen on the floor of this House desire to consult with me about the business of the House. [Applause.] It takes less than a half

a minute or a quarter of a minute to come from that room in here, and I respond when a quorum is needed. I am ready here to transact the business of this House. What I complained of and had a right to complain of was that when it was necessary to transact the business of this House Members did not come here and make a quorum, but no such charge can be made as far as I am concerned. [Applause.]

The gentleman from Iowa may approve the idea that a Member of Congress while drawing his pay has a right to absent himself from the floor of this House and come back with the marks of the sea breezes on his hands and countenance, complaining that he is required to be here when he desired to draw \$20 a day in his absence. That may be the high standard of political expediency that the gentleman from Iowa advocates, but I do not. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. STEVENS of Minnesota. Mr. Chairman, the amendment proposed by the gentleman from Wisconsin [Mr. STAFFORD] should be adopted. It provides in substance that the list of contraband articles stated in the declaration of the international naval conference at London should be excluded from the operation of this bill. Our own State Department, by proclamation to our people, has already notified the country that Germany and Great Britain both have adopted in identical terms the definitions as to contraband and rules as to seizure concerning every article of goods set forth in the declaration of London. So that if the amendment of the gentleman from Wisconsin shall be adopted it will cover the exact articles shown to be contraband and agreed to be contraband by both Great Britain and Germany and by our own Government.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

Mr. STEVENS of Minnesota. I have only five minutes, and I can not yield. Mr. Chairman, as I stated, this amendment covers the identical articles stated to be contraband not only by the declaration of London, but by England and Germany themselves, as have been officially promulgated to the American people by our Department of State. So there is an agreement now as to what constitutes contraband, and what would be excluded by this amendment. There can be no objection to it for indefiniteness, because all the interested nations have officially indicated exactly what it would cover and exclude.

The amendment should be adopted for this reason: It is the essence of the opposition to this bill, and if this amendment be adopted a very large part of the opposition to the bill would necessarily cease. The major part of the criticism to it would be adequately met. The opposition to the bill is for three reasons: First, it is deemed to be unnecessary either to move crops or to help our ships, and I think that such facts have been shown many, many times during this debate. Secondly, it tends to create a monopoly of marine insurance in the existing companies, and that contention can not be disputed, and there has not been any serious attempt to do so. Third, the principal ground of opposition and the principal reason why the amendment should be adopted is that this measure practically would constitute a violation of our boasted doctrine of neutrality and fair dealing between the belligerent nations. The ships going from the United States to belligerent nations must necessarily, from conditions of the control of the sea by Great Britain, operate solely in favor of one of the great contending parties, principally England and France, and against the interest of other contending parties, Germany and Austria. One can realize that as long as England controls the sea the ships which cross the sea will be for the benefit of England and its allies and against the other contending parties. Our ships and products can not serve the two hostiles equally and fairly because of such monopoly of the sea by Great Britain. That being true, this Government as a sovereign Government has no business by any official act to do anything which would prefer either or help the one or injure the other. The Government should not do either. Our people can sell and buy and trade and injure and give preference in that way, and no exception can be fairly taken to such acts. Not so with the Government itself. Its acts must not create a preference or advantage.

Now, there is one thing which this Government must do. It is due from us to humanity, it is due from us for our own self-respect and love for our fellow men, and it is due to all the other nations of the world that we should maintain, as we so loudly profess to do, our neutrality fairly, openly, honestly, without any technicalities or any possible evasion. [Applause.]

This bill does violate the spirit of neutrality, because it practically creates a preference to those nations which control the seas. But if this amendment be adopted, at once it notifies all the nations of the world, it notifies all the contending powers, that this bill and our public policy will not be adopted to bene-

fit either of the contending powers, but that all will be treated alike and fairly by our Government in its official acts. All will be on an equality, so far as our Nation and its official acts are concerned. Without this amendment you do practically injure one of the parties; you do violate the spirit of neutrality; you are bound to create a feeling of resentment which will rise up to plague us hereafter. With this amendment we notify the nations of the earth that we intend to observe neutrality with the utmost fairness and the utmost humane spirit; and when the time shall come when this terrible conflict shall be ready for adjustment, the United States can stand, as it ought to stand, in a spirit of humanity, appealing to the great powers to cease this awful conflict, ready to receive and help all the other nations, all knowing that we will treat them fairly, that we like all equally well, that we are ready to do what we can for the benefit of all nations and all humanity. It is for that reason that this amendment ought to be adopted—to insure the neutrality of the people of the United States and notify the people of the world that so far as this bill is concerned, so far as our policy is concerned, all shall be treated equally and alike. [Applause.] This amendment will concern other nations even more than it will our own. It will serve notice upon them that no petty sentiment of greed or temporary advantage will swerve this great Nation from a position of fairness, where it can serve all when necessary. This Nation is the only one on earth which can fulfill this lofty mission. It is the only one to which the hostiles can look with confidence through their present rage and blood lust and agony. Let us not throw away this ideal position for a mess of pottage. Let not our desire for gain and greed obscure the ideals of our people or destroy their leadership toward peace on earth and good will toward men.

Mr. Chairman, that is the spirit of most of us who are opposing this bill. It is the true, the ideal American spirit, voicing the spirit of humanity, voicing the spirit of love for mankind, and not the greed of a dollar, not the bringing of mere lucre into the pockets of those who are greedy enough and low enough to impose upon the generosity of the American people at this time. [Applause.] The gentleman from Alabama [Mr. UNDERWOOD] has charged us with being un-American, because we dare to criticize this bill or seek to have it voice the real aspirations of our people. He is intent upon a measure which shall hunt the market places and seek advantage from the terrible necessities of our fellow men. He wants that somebody in this country shall make some money out of the terrors of this titanic struggle, and because we dare to point to our promises, to our duty, to our ideals, he charges us with being un-American. We can stand his epithets in such a cause. If we can lead the way for the other nations to have real and abiding confidence in us, if we can show them a genuine sense of fairness and duty and not merely groveling for material gain, we can assume and maintain the highest leadership, and that to me is the true American spirit. It is the spirit of my people, anyway. We, upon our part, on our side, sincerely want that this Nation, that our Government, shall stand with a love for humanity, notifying all of these contending nations that they may be confident that we will treat them all alike, and for that reason this amendment ought to be adopted to prove to them beyond recall the highest truth we profess. [Applause on the Republican side.]

Mr. TALCOTT of New York. Mr. Chairman, I do not think there is any difference of opinion in this committee upon the subject of neutrality. Everyone of us believes in preserving the neutrality of this country. Everyone believes in preserving an impartial attitude toward the belligerent powers, but there are questions connected with this matter which have no relation to neutrality. Here, for instance, is the entire force of the German merchant marine disorganized—unable to engage in commerce. In every belligerent country to-day industry is stopped—in Germany, in France, in Great Britain—and so long as this war continues every industry must be stopped there. This creates a great responsibility, and there is no country in the world that can meet it except this country, and we must prepare to meet it. It can only be done by obtaining the necessary ships to carry our goods and our staples. It is not a question of to-day or of the present only; it is a question with most important consequences for the future. It is impossible to go to our shipyards now and build the ships with which to carry the commerce. We must get ships where we can find them, and many of them can be procured now at our very doors. When the gentlemen speak of neutrality there is always a covert reference to the purchase of foreign-built ships and to their use in the carrying trade. There is no trouble on that score. We must take care of the trade forced upon us and protect it. If we permit this opportunity to pass by unimproved, this country will not behold another equal to it in this genera-

tion or probably in this century. Great opportunity and great responsibility are before us. Have we the strength and courage to meet them?

Mr. MONDELL. Mr. Chairman, from the time of the introduction of this bill I have had very grave doubts as to its urgency or necessity. The proponents of the bill have failed utterly to show that at this time there is any need of legislation of this character. When called upon to state what American ships, if any, are now held in ports by reason of difficulty in securing war insurance, they have not been able to name one.

From the beginning I have doubted the wisdom of this legislation, because I fear it is liable to place us, as a nation, in a position likely to involve us in difficulty as one of the parties in contests and controversies before the prize courts of the world; and yet, in spite of these doubts and misgivings as to the necessity, as to the wisdom, as to the advisability of the legislation, I have been prepared to resolve those doubts in favor of the bill, in view of the fact that the administration, upon which we must depend to keep us on an even keel in our friendly neutrality with all the world, has seemed to be favorable to the legislation. Taking this view of the matter, I had hoped and expected to vote for the bill, if it were amended so as to make it clear we do not propose to encourage the carrying of contraband. I shall vote for it if this amendment carries, and I shall vote against it if this amendment does not carry, for if it does not, it will lay us open to the charge that what is sought is not the protection of American commerce in peaceful and legitimate trade, but the protection by the Government of those who desire to go forth as blockade runners and freebooters, loaded with contraband of war. There has been something said about true Americanism. The truest Americanism to-day is that Americanism which stands above all things for strict and honest neutrality, for the maintenance of a friendly neutrality with all of the warring nations, and if this amendment is voted down it will be because you have put the interests of a few possible blockade runners, the interests of a few rich shippers and shipowners who desire to deal in contraband, above the honor of the Nation and above the desire of our people to be entirely and honestly neutral in this great and lamentable conflict.

Mr. BATHRICK. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. BATHRICK. Does not the gentleman believe that a contract of insurance will except blockade runners?

Mr. MONDELL. If this amendment is adopted, it will then be clear that all we propose to insure are the ordinary legitimate risks of neutral goods under a neutral flag. If you vote down this amendment, it will lay us open to the charge, if it does not make it clear to all the world, that it is not neutrality and friendship with all the warring powers that we seek, not an opportunity for honest and legitimate trade, but an opportunity to throw the protecting arm of the Nation around those who would violate the laws of neutrality and deal in contraband of war [applause on the Republican side], placing the wishes and the desires and the profits of a few shipowners, largely great corporations, above the honor and the dignity of this great neutral people in this time of world-wide war.

Mr. Chairman, I can not understand how any man who in good faith desires that the Government shall take whatever war risks there may be in neutral goods, in neutral bottoms, under a neutral flag—I can not understand how any man who desires the Government shall take over those ordinary war risks and none others—can vote against this amendment. With this amendment limiting the risks we are to take to those which as a neutral power we are justified in taking, we can join in the passage of the bill, even though we doubt its value or necessity. He who votes against this amendment declares himself by his act, whether or not that be his intent, the friend, protector, and well-wisher of those who in the hope of a profit of a few miserable dollars would barter our position as the friend of all these rival warring powers and would bring us from our high estate of a great neutral nation down to the low, miserable plane of a people seeking to make money out of the misfortunes arising out of the wars of Europe. [Applause on the Republican side.]

Mr. LEWIS of Maryland. Mr. Chairman, I appreciate the spirit of caution with which this legislation is approached, as evinced by this contraband amendment, and by gentlemen on the other side, even though they would deny us the same spirit of caution. It would be the gravest folly to involve ourselves needlessly in war; but let us analyze the subject and see just what the proposed amendment means. A vessel is insured. Let us suppose that it is captured. That does not end the transaction or determine the rights or relations of this Government to the matter. That vessel must then be taken before

a prize court; and the capture resembles simply the process of garnishment or attachment in inland litigation, and the courts of admiralty of the capturing nation, not the capturer, determine whether the seizure is legally justified. Thanks to civilization, such courts all over the world so far have sustained the juridical character for rectitude and for honor in the application of the law to such cases. Before that prize court all parties have a hearing, all the facts have opportunity for presentation, and at length a judicial conclusion is reached; and, Mr. Chairman, the vital point, after all, is this—that conclusion, that decision, of the prize court is as final on the parties as the decision of our Supreme Court. War never has been waged in modern times by a disappointed nation over a prize court's decision; such a decision could not be *casus belli*; and there is no more reason now to expect that history is going to reverse itself and by the decision of such a court imperil our neutrality than there has been in the past. But how stands it under the proposed amendment? You could write no war-risk insurance under its provisions. In effect, it provides that no goods potentially contraband of war shall be insured. That would invalidate every policy when the goods were captured and condemned by a prize court. Therefore no shipper would take such a policy; no insurance would result. The function of writing a policy, Mr. Chairman, is an administrative function; it is the administrator, with his circumspection and knowledge of the special circumstances of the risk, who can know best when to issue a policy and what conditions should be inserted in that policy. We surely can not write safe policies in this Chamber in a half hour of heated controversy and debate. I am against the amendment. [Applause.]

The CHAIRMAN. The gentleman from Pennsylvania is recognized for one minute.

Mr. MOORE. I send forward an amendment which I offer at this time. I understand this is the only opportunity I have to get the amendment in.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 17, after the word "terms," insert:

"Provided, That the provisions of this act may apply to ships not of the United States operating under a time charter by a citizen of the United States bearing cargo from ports of the United States to foreign ports consistent with the provisions of this act."

Mr. MOORE. Mr. Chairman, I am opposed to this bill, but I offer the amendment at the suggestion of one of my constituents, thinking that possibly it will help the majority if they pass the bill. So far as I have time, I desire to read my correspondent's reasons for presenting this amendment.

PHILADELPHIA, PA., August 14, 1914.

HON. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR SIR: My attention has been called to the fact that various boards of trade throughout the country have appealed to Congress to establish a bureau of war-risk insurance to be administered under the direction of the Secretary of the Treasury so as to make it possible for ships under American registry to engage in the foreign trade.

In this proposal I am in entire accord, but I wish to call your attention to a phase of the situation which so far Congressmen have appeared to have overlooked. This is the situation arising out of the ownership, *pro hac vice*, by American citizens operating under time charter of steamships sailing under foreign flags.

Under the rule laid down by the United States Circuit Court of Appeals, second circuit (New York), in the case of *Clyde Commercial Co. v. The West India Steamship Co.* (169 Fed. Rep., 275), the usual provision in the charter party—"The act of God, enemies, fire, restraint of princes, rulers, and peoples, and all dangers and accidents of the seas, rivers, machinery, boilers, and steam navigation, and errors of navigation throughout this charter party always mutually excepted"—does not absolve the American citizen owner by reason of a time charter from the obligation to pay charter hire.

If the time charter also contains the somewhat usual condition that no voyage be undertaken or goods shipped that would involve risk of seizure, the American citizen owning by time charter a foreign vessel would be obliged to pay hire money while the vessel was indefinitely tied up in port.

Under this state of law, therefore, it would seem to me that if the Government proposes making provision for insurance of American bottoms regard should also be had to the large number of American citizens who have vessels sailing under foreign flags under time charter, and who could immediately put them into service in carrying cargo to foreign ports if they could avail of the protection of war-risk insurance by this Government.

I am speaking for a number of American interests in calling your attention to this, and I hope you will be able to call the attention of Congressmen to the situation.

Very truly, yours,

WILLIAM J. CONLEN.

Mr. CULLOP. Mr. Chairman, I yield one minute of my time to the gentleman from Alabama [Mr. BLACKMON].

Mr. BLACKMON. Mr. Chairman, I have been observing a situation on the Republican side of the House to-day that I believe is thoroughly laughable and amusing to the American people. They are to-day criticizing the President and pretending to want to keep us out of war. Just a short time ago that side of the House was criticizing the President to beat the band because he did not go to war with Mexico. [Applause on

the Democratic side.] Now, I want to say this, Mr. Chairman, that the American people can not be deceived and can not be fooled by this character of cheap demagoguery which you gentlemen are trying to play to-day. [Applause on the Democratic side.]

Mr. CULLOP. Mr. Chairman, I am opposed to this amendment, and I think that if the language of the section to which it is directed is carefully read it would show to the supporters of this amendment that there is no necessity for the adoption of the same. I desire to call the attention of the committee to a reading of a part of it. After reciting that cargoes in American vessels may be insured as a war risk it closes with this language:

Whenever it shall appear to the Secretary that American vessels, shippers, or importers in American vessels are unable in any trade to secure adequate war-risk insurance on reasonable terms.

That provision in the bill makes this amendment absolutely unnecessary. Gentlemen on that side talk as if this insurance was to cover every kind of war risk on everything that may be offered. The discretion of this insurance and making the same is lodged by the language of the bill with the Secretary of the Treasury. He has the right to pass upon the risk if it is necessary to take the same, whether the Government ought to take the same, whether it is safe to take the same, or whether it is dangerous to take the same. He is one of the Cabinet officers under the greatest apostle of peace this country has ever produced—Woodrow Wilson. [Applause on the Democratic side.]

Gentlemen upon that side of the House who but two months ago were criticizing the "watchful waiting" policy of President Wilson because he did not plunge this country into a war with Mexico in order that a few speculators in this country might reap a rich harvest, might exploit that battle-ruined country, and garner riches because of its deplorable condition are to-day afraid that this great apostle of peace by this measure will plunge this great Nation into war with Europe. I can say to the gentleman that the history of the past of this man and his able Secretary of State is security of what the future will be; that they will steer clear of war in Europe as they have steered clear of it in the past, and they will move the bursting granaries of golden grain throughout the West and other parts of this country into the markets of the world. Ah, gentlemen, keep down a measure like this and you will enable the grain speculators of this country, the cotton speculators of this country, the meat speculators of this country, to take from the producers their products at nominal prices, hold them and sell them abroad at a later date for enormous sums. That is the policy that is threatened by the delay or the defeat of this measure. [Applause on the Democratic side.]

An emergency exists for the speedy enactment of this measure in order that arrangements may be made to transport our surplus into the markets of the world to supply the demand there created by the unfortunate conditions which surround them. The men who are to administer this law fully understand its purposes and the critical situation. They are equal to the task imposed in this matter and fully competent to handle it with sufficient diplomacy to avoid difficulty. Their records in the past demonstrate their capacity, and the American people have confidence that they will discharge the duties imposed with such ability as will preserve peace and promote commerce. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULLOP. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Without objection, leave is granted.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the Chairman announced the yeas appeared to have it.

On a division (demanded by Mr. STAFFORD) there were—ayes 72, noes 77.

Mr. STAFFORD. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers [Mr. ADAMSON and Mr. STAFFORD] reported that there were—ayes 73, noes 91. So the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

Mr. TOWNER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 12, after the word "cargoes" insert "not contraband of war."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. TOWNER].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That the bureau of war-risk insurance, with the approval of the Secretary of the Treasury, is hereby authorized to adopt and publish a form of war-risk policy, and to fix reasonable rates of premium for the insurance of American vessels, their freight and passage moneys and cargoes against war risks, which rates shall be subject to such change, to each port and for each class, as the Secretary shall find may be required by the circumstances. The proceeds of the aforesaid premiums when received shall be covered into the Treasury of the United States.

Mr. TEMPLE and Mr. MOORE rose.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. TEMPLE] is recognized.

Mr. TEMPLE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. TEMPLE. Mr. Chairman, a good deal is said here about the present status of the declaration of London in the law of Great Britain. I should like to have made this statement previous to the vote on the last amendment. The amendment just rejected provided that cargoes should be insured that were not contraband of war. I should like to call attention to a colloquy held here yesterday between the chairman of the committee which reported this bill and the gentleman from Missouri [Mr. BOOHER], on page 14394 of the RECORD:

Mr. BOOHER. Does the gentleman think this Government ought to insure the goods that are purchased by one of these belligerent nations? Would not that involve us at once with the others who had no interest in these goods?

Mr. ALEXANDER. Possibly that is true, and should we do so we would have the loss to pay, but I am not going to assume our Government will do any such thing.

Mr. BOOHER. The gentleman says it can be done under this bill.

Mr. ALEXANDER. It may be broad enough to do it, but I assume that the regulations which will be made to carry out the terms of this bill will not include anything that is contraband of war.

The action taken just now indicates that the bureau of war-risk insurance will not refuse to insure contraband, for the committee has just refused to put such a provision in the bill. I think the committee is right. If the Government is going into this business, it ought to be free to insure contraband goods; that is, at least those of the class known as conditional contraband.

Now, turning to another subject, I should like to read an extract from an article published last April by Mr. James Brown Scott, Solicitor of the State Department, American delegate to the peace conference at The Hague in 1907, and one of the officers of the American Society of International Law, about the declaration of London. Of the work of the London conference Mr. Scott says:

An agreement, called the declaration of London, dated February 26, 1909, upon the principles of law to be applied by the proposed court, in accordance with article 7 of the original convention, was reached. Like the original convention, it was also in the nature of a compromise. It met with the approval of the British Government, for it was signed by the delegates of that Government acting under instructions, as is the wont of diplomatic conferences, and it seemed at the time that it removed the objections to the ratification of the original convention and to the establishment of the prize court in so far as Great Britain was concerned. The Government considered it satisfactory, and introduced a bill in both Houses of Parliament modifying British practice in such a way as to meet the requirements of the prize court convention, as modified by the declaration of London. It passed the House of Commons, but failed in the House of Lords owing to the unexpected, bitter, and persistent opposition on the part of the public, so that the Government has up to the spring of 1914 ratified neither The Hague Convention nor the declaration of London.

Now, it is a mistake to say that Great Britain vetoed that declaration. Great Britain signed it, and the British Cabinet approved it. There is no ratification of a treaty in the Parliament, in either House, in Great Britain. Ratification is an executive act, according to the practice of the British Government, and is done by the Cabinet. The status of this declaration of London in British law is perhaps about what the status of the Colombian treaty would be—the treaty that promises \$25,000,000 to Colombia—if it should be ratified by the Senate and the House should fail to make the appropriation of \$25,000,000. That would be a treaty signed and agreed to by the ratifying power, but failing to go into operation because the legislation necessary to put it into operation failed to go through the House.

Mr. LEVY. But that is not international law.

Mr. TEMPLE. I am very well aware of that.

Mr. LEVY. International law—

Mr. TEMPLE. I refuse to yield any further. That is not international law, but the London declaration will, nevertheless, be a very influential document for the guidance of the prize courts. There will be abundant precedent for treating it as if

it were international law. Italy in her recent war with Turkey put that declaration of London into operation in spite of the fact that it is not international law. France and Great Britain have both announced their intention to put it into operation, in spite of the fact that ratifications have not been exchanged. That which is the practice of the nations becomes international law. There is no other test of international law than the practice of the nations. International law is not enacted. When we want to know what it is we study the practice of the nations, and when a maritime power like Great Britain and another like France and another like Italy put this into practice, and we ourselves have committed this Nation to it by signing it, by ratifying it in the Senate, as we have done, we, too, are committed to it. The only reason that it is not the law of the United States is because ratifications have not yet been exchanged. The Senate has acted on it finally. This is as nearly international law as anything can be that is not sanctioned and made certain by long practice. [Applause.]

Mr. ADAMSON. Mr. Chairman, I move that all debate on this section and amendments thereto close in 10 minutes.

The motion was agreed to.

Mr. MOORE. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 2, lines 18, 20, and 23, strike out the word "war" wherever it appears.

Mr. MOORE. Mr. Chairman, the purpose of this amendment is to eliminate the danger line if possible. The gentleman from Alabama [Mr. UNDERWOOD] in the course of one or two of his speeches this afternoon—

Mr. ADAMSON. Mr. Chairman, I want to know whether that amendment is not subject to a point of order. I did not hear it read.

Mr. MOORE. Mr. Chairman, I make the point of order it is too late.

The CHAIRMAN. The gentleman says he did not hear the amendment.

Mr. MOORE. I object.

Mr. ADAMSON. I insist on knowing what the amendment is in order to make a point of order on it if I desire to do so.

Mr. MOORE. I make the point of order that the Chair had already recognized me after the amendment had been read, and I had begun to speak.

The CHAIRMAN. This does not come out of the gentleman's time. The Chair will state that if the chairman of the committee states in good faith, or any other Member of the House so states, that he did not hear an amendment that he thinks is subject to a point of order, and desires to have it reread and make a point of order, the Chair will exercise his discretion.

Mr. ADAMSON. Mr. Chairman, I keep so busy telling folks whether I think we will vote or not in the next three weeks, that I am greatly disturbed about these things. I did my best to hear that, but people were talking to me. I want to know whether it is subject to a point of order, and if it is subject to a point of order—

The CHAIRMAN. The Clerk will report the amendment.

The amendment was again read.

Mr. ADAMSON. I make the point of order against the amendment. It has been ruled on once. War risk is all there is in the bill.

Mr. MOORE. I desire to observe that the word "war" has not been stricken out except as a part of another sentence. The word "war" was stricken out in a manner that gave no opportunity to amend in the first paragraph that was under consideration. The gentleman from Georgia [Mr. ADAMSON] indicated yesterday, when we were all liberal in the matter of time, that he did not propose to limit any gentleman wishing to speak on this bill. I have waited four hours to speak on it, and now the gentleman wants to close debate on this in 10 minutes. I make a point of order that it is too late.

The CHAIRMAN. Will the gentleman from Pennsylvania permit an inquiry from the Chair there?

Mr. MOORE. Yes.

The CHAIRMAN. What is the difference in principle between this amendment that is proposed by the gentleman now and that which was ruled upon by the gentleman from Virginia [Mr. HAY] while he was in the chair an hour or two ago?

Mr. MOORE. The difference is that war risks are an entirely different proposition from war. War risks involve the risks of war. War is war per se. There is a very decided difference between the two terms. Speaking of war, one would not dream of including insurance; but speaking of war risks, one would at once think of insurance, which is an entirely different proposition from war.

Mr. MANN. Mr. Chairman, will the Chair hear me a moment on the point of order?

The CHAIRMAN. Yes.

Mr. MANN. The amendment of the gentleman from Maryland, which was ruled out of order, was an amendment, as I recall, to insert a new paragraph in a section. The pending amendment is to strike a word out of the bill.

Now, it is true that sometimes in the consideration of an appropriation bill it has been held that an amendment to strike out a word was subject to a point of order because that resulted in making an appropriation for a purpose not authorized by law. But I do not recall, in all of the decisions on parliamentary law which have been made and which I have happened to see, any decision to the effect that a committee could not strike out a word in a legislative bill. Whatever its effect might be, here is a legislative proposition before the House, not an appropriation bill, not restricted in any way by the provision of the rules concerning appropriations, but a general legislative bill, covering a legislative subject, and the motion is made to strike out a word. We could strike out the paragraph. No one could question that a motion to strike out the section is in order; likewise a motion to strike out a sentence of the section is in order; likewise a motion to strike out a word is in order.

Now, whether that changes the aspect of the bill does not make any difference. This is a legislative bill. As introduced into the House, or a similar bill introduced into the House, it did not cover passage money and cargoes. Now, no one would say that if this were a House bill pending, with a proposition to issue war-risk insurance on ships, it would not be in order to issue the same insurance on the cargo or on the passage money. That is a committee amendment to the House bill. Those amendments were inserted, as a matter of fact, in the consideration of the bill in the Senate. We are not obliged to take the bill in the form and substance, word for word, as reported from the committee. This is a legislative bill, subject to consideration and change by the legislative body.

The CHAIRMAN. The Chair overrules the point of order.

Mr. MOORE. Mr. Chairman, the gentleman from Alabama [Mr. UNDERWOOD] on several occasions yesterday and to-day has referred to the Republican side of the House as un-American in dealing with this proposition, and he has fallen back very strongly on the statement that the President of the United States desired to have this bill passed.

Now, there has been no official word from the President of the United States on this subject. This House of Congress officially is in entire ignorance of any desire on the part of the President of the United States to have this bill passed. The newspapers have reported that the gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from Missouri [Mr. ALEXANDER] and a number of other very distinguished Democrats have been in consultation with the President of the United States and the Secretary of the Treasury upon this subject, and the same newspapers have indicated that some of the representatives of the "big interests" of this country have also been in consultation with these same gentlemen with regard to the passage of legislation of this kind, notably the gentleman whose name has heretofore been derided on the other side of the House—Mr. J. Pierpont Morgan, of New York.

I have no real fault to find with those now in power for conferring occasionally with those whom they used to denominate as "representatives of the special interests" or as malefactors, who "put their iron heel on the backs of the poor." It may indeed be well for the Democrats to fraternize with those whom they formerly scorned and denounced. But all that we have officially concerning this bill and the influences behind it is the statement of the gentleman from Alabama that after these conferences with these distinguished gentlemen the President of the United States desires to have it passed.

I am opposed to this bill because of its dangerous character as a war measure, and because it puts the Government of the United States into a private business of very great risk; and, in addition, because it takes the money of the people of this country and stakes it in a game of chance, as it were, against a risk of property loss at sea. Apparently the very gentlemen who brought it up to the White House and induced the Democratic leaders to introduce it here were themselves in great doubt about the position it would put the Government in, because the report of the marine committee of the Chamber of Commerce of New York, which sent the 62 distinguished gentlemen, headed by Mr. Seth Low, to the White House in behalf of this measure, indicated in their report to Mr. Low just what kind of risk we would be expected to run into. This committee, made up partly of marine insurance men, said:

Our committee has considered the suggestion that the United States Government should be urged to assume the war risk under some similar plan on American ships and their cargoes.

Without making any definite recommendation for or against such a plan, our committee would point out some of the difficulties which such a plan presents.

The English plan excludes entirely all risks on vessels to an enemy's country. The United States, to maintain its neutral position, must evidently have regard to its obligations to treat all belligerents alike. Under present conditions, however, a uniform rate for war risk on shipments to all of the contending powers must either be too high to be of any value on shipments to Great Britain, or too low to be at all adequate for insuring risks on shipments to Germany. Moreover, it would appear doubtful whether the United States Government could assume such insurance on contraband goods, and so facilitate the shipment of contraband goods, without giving serious offense to the belligerent powers.

Our committee does not feel that the United States Government would be warranted in embarking in an insurance business fraught with such possible complications and dangers, unless it should appear that American shipping has no other alternative, and that such Government insurance is absolutely necessary to enable American ships to compete on equal terms with British ships covered under the British war-risk insurance.

It would appear very "doubtful," say these gentlemen who brought this matter over from the money center of New York, whether the United States could take such insurance on contraband goods, the kind that it is proposed here to make the Government insure, without giving serious offense to the belligerent powers. This was the statement of the marine committee of the New York Chamber of Commerce, the very gentlemen who influenced the Democratic Party in this matter.

But the subcommittee, made up of their distinguished lawyers, went into the matter more in detail. They showed just what this proposition would mean to the insurance companies and just what it will mean to the people of the United States. Their whole report breathed of foreign entanglements and the desirability of landing a bad bargain on the Government. Here is the way they figure it out that the Government with the people's money should take over the risk and danger that private companies sought to avoid.

Says counsel for the committee:

The ordinary policy of marine insurance would cover war risks in addition to the usual fire and marine risks but for the following clause:

"Warranted free from capture, seizure, and detention, and the consequences thereof, or any attempt thereof, piracy excepted, and from all consequences of hostilities or warlike operations, whether before or after declaration of war."

The risks thus excluded from the protection of an ordinary marine policy may be covered by a war-risk policy. The forms of such policies vary widely, but it is the general intent of all of them to cover such risks as are excluded from the ordinary marine policy by the terms of the foregoing warranty.

The principal risks of the owner of goods in a captured ship may be summarized as follows:

1. The cargo may be sunk with the ship or condemned by the prize court of the captor as enemy's goods or as contraband.

The loss is not covered by a marine policy, but would be covered by a war-risk policy.

2. The goods may be lost or damaged by reason of the ship striking a mine or otherwise coming within the range of hostilities.

The loss is not covered by a marine policy, but would be covered by a war-risk policy.

3. Goods released by the prize court as neutral may be damaged in the course of unloading, storage, or reloading.

Losses of this nature would not be covered by a marine policy, but would be covered by a war-risk policy.

4. Extra charges and expenses in connection with forwarding released goods from the port of the prize court to their original destination would not be covered by a marine policy, but would be covered by a war-risk policy.

Here you have the proposition. The marine companies take the safe business; the hazardous or doubtful business is to be taken over by the Government. Gentlemen engaged in the insurance business would like to unload behind a fund taken from the Treasury of the United States.

Goods may be lost or damaged by reason of the ship striking a mine or otherwise coming within the danger line. Such a loss is not covered by a marine policy, but would be covered by a war risk policy if backed by the Government. And if the question of neutrality arises—

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE. I ask unanimous consent to proceed for five minutes.

Mr. ADAMSON. We have a right to the other five minutes to reply.

Mr. MOORE. I have not completed my statement. I appeal to the gentleman from Georgia—

Mr. ADAMSON. I am very sorry for the gentleman. Everybody knows how demure and silent he is. I am very sorry he has been run over, but I should like to make some progress. I hope the gentleman from Indiana [Mr. CULLOP] will be recognized in reply to him.

Mr. LEVY. Mr. Chairman, I think I am entitled to recognition.

The CHAIRMAN. Is the gentleman from New York a member of the committee?

Mr. LEVY. No; but the Chair promised to recognize me.

Mr. TALCOTT of New York. The gentleman from Indiana [Mr. CULLOP] is a member of the committee.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana [Mr. CULLOP], a member of the committee.

Mr. CULLOP. Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE], in offering this amendment, discloses his real purpose to be not to help the bill, but, if possible, to kill it. He says he is opposed to the Government going into the insurance business, and yet here is a bill that limits the Government in the business proposed, made necessary because there is a great crisis facing the country, to meet the necessity of moving the products of the country to the markets of the world. The gentleman wants to amend the measure and put the Government into the insurance business generally, not for the purpose of helping the bill or of improving conditions, but for the purpose of killing it. He knows that such an amendment would make the bill unpopular; would arouse opposition to it, and thereby to some extent discredit the splendid purpose for which it has been proposed. Yet when this crisis confronts the country, when we are unable to move our products, the gentleman from Pennsylvania wants to stand in the way of legislation that would enable the people to move our products. This is necessary for that purpose and for that purpose only. The bill contains a provision that enables the President of the United States, when that necessity has passed away, to suspend the measure and discontinue the employment of its provisions. Its enactment is beneficial to every public interest in our great country at this time. The gentleman from Pennsylvania [Mr. MOORE] says he stands here for Americanism, and that he wants to help the American people, yet he insists upon so crippling and loading down this bill as to prevent the Government helping the American people in this hour of great emergency. That is the position of the gentleman from Pennsylvania. That is how he wants to help the American people. That is how he wants their food and manufactured products to move. He wants, if possible, to throw an impediment in the way of this legislation so that this bill will go to the country crippled and unable to meet the emergency required of it at this time. This bill is introduced for the purpose of enabling the American people to have their corn, their beef, their cattle, their cotton, and their manufactured products transported to other markets of the world, to bring back in payment therefor the gold of other countries to this country and increase our wealth.

The gentleman from Pennsylvania knows that we have a surplus of these products, and that we now have a chance to capture the commerce of the world and hold it; yet so un-American is he that he wants to stand in the way of legislation that will enable us to increase our markets and expand our commerce. That is the position of the gentleman from Pennsylvania. I hope that his amendment will be voted down and that this measure will be put upon its passage, so that it may go to the White House without delay to be signed by the President of the United States. [Applause on the Democratic side.]

Gentlemen on that side of the House have suddenly shifted their position, but it seems it is easy for them to do that. Only a few weeks ago the gentleman from Pennsylvania [Mr. MOORE] and the gentleman from Iowa [Mr. GOOD] were eloquently deploring the fact that the Democratic Party by its tariff legislation had injured the manufacturer and the farmer by depriving them of their markets abroad, and had created a condition which had brought about low prices for their products and that they were unable for that reason to compete with the rest of the world. That charge was not true then, because prices of all products at that time were exceptionally high with a good demand for everything we produce. But behold their attitude to-day. What a change has come over the spirit of their dreams. Now they say it is true we have a surplus of almost everything, but we must keep it, we must not export it; we must not supply with our surplus other markets and furnish food for hungry mouths abroad, because forsooth we will increase the price of these products at home. What has so recently convinced them that the farmer and the manufacturer must keep their surplus, let their farms and factories stand idle, men out of employment, until we at home consume our surplus? Strange doctrine this for these two gentlemen to be now proclaiming when, less than two months ago, they were denouncing the Democratic Party for stifling industry, retarding development, and surrendering foreign markets. Their position was false then and is ridiculously so now. Would either of these gentlemen dare tell the manufacturers, the farmers, the laborers of this country that we know there is a great surplus of farm products; the manufacturers, that we know you produce much more than we can consume yearly, but the surplus we should not export but should keep it all at home for our consumption, and the farms and mills should stand idle until we consume it all, and labor remain unemployed? Do they believe they could win votes by espousing such a doctrine?

It would be the adoption of a new doctrine on their part, and one they would soon repudiate. They are both playing politics to-day. It is distressing to them to see this great Democratic administration, capable and courageous as it is, rising up and meeting the great emergency that has been suddenly and without any fault on its part thrust upon the country. They regret that it is both able and willing to handle these great questions and solve the intricate problems presented, to the complete satisfaction of the American people. We all know this fact to be true. Whether or not it is winning the approval of the gentlemen from Pennsylvania and from Iowa, it is winning the earnest commendation of the American people for its prompt and satisfactory action on these most important matters. It will unfetter our prostrate commerce and start argosies on the seas laden with the surplus of our production, which will stimulate industry and supply the wants of people in distressed lands. [Applause on the Democratic side.] It will touch the springs of industry all over our fair country, which will respond with increased production sufficient to meet the requirements and stimulate the commerce of the greatest people known throughout the annals of time, and will inaugurate the most marvelous era of prosperity ever known. Yes; the Democratic Party is able, capable, and sufficiently courageous to meet the responsibility and discharge its duty in the interest of all the people and for advantage to the entire country. [Applause.]

But gentlemen on that side declare the adoption of this measure, they fear, may precipitate war with some foreign country now in a state of belligerency, and for that reason we should not enact it.

Ah, gentlemen who assert this objection less than two months ago were vigorous in their censure of President Wilson and his able Secretary of State because they would not plunge this country in war with unfortunate Mexico. But they pursued the policy the American people approved, avoided war with Mexico, and they will, wise and able as they are, avoid war in this instance and preserve the honor of this great Nation, which they so ably represent.

Gentlemen need not waste their time and labor in criticizing these two great men, because the people of this country confide in them as they never confided before in any President and Secretary of State, however illustrious any of their predecessors may have been. They have earned the confidence and gratitude of the people of this country, and they will show it by their overwhelming indorsement on every opportunity.

The people of this country have come to know Woodrow Wilson and appreciate his unselfish purpose, his great patriotism, and his wise constructive statesmanship. They know he is able to cope with every emergency and has the courage to meet and deal with the questions as they arise and solve them in the best interests of the people and for the promotion of the welfare of the great country over which he presides. The people of this country, irrespective of party, know the great and diversified interests of this country are safe in his hands and that he will work out the destiny of the Republic while he is its Chief Executive for the best interests of its people; that he has dedicated himself to the great work for which he has been called, ripe in scholarship, wise in statesmanship, conscientious in the performance of duty, inspired by high ideals and lofty patriotism, fully equipped to promote the prosperity, preserve the honor, and elevate the standard of this the greatest Republic of all time. [Applause on the Democratic side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The amendment was rejected.

The Clerk read as follows:

SEC. 4. That the bureau of war-risk insurance, with the approval of the Secretary of the Treasury, shall have power to make any and all rules and regulations necessary for carrying out the purposes of this act.

Mr. GOOD. Mr. Chairman, I move to strike out the last word. This bill confers upon the bureau which we are about to create tremendous powers. I want to call the attention of the House to the extent of those tremendous powers. The power granted this bureau is illustrated in a colloquy between the gentleman from Washington [Mr. HUMPHREY] and the gentleman from Alabama [Mr. UNDERWOOD] in the discussion on yesterday:

Mr. HUMPHREY of Washington. Mr. Chairman, if the gentleman will yield to me, I would like to know if it is intended by the Government to insure vessels that go into danger zones? For instance, are we going to insure one of our vessels that goes into the North Sea after notice has been served upon us that it is dangerous? If so, I am opposed to this bill.

Mr. UNDERWOOD. The gentleman's question is a matter of discretion with the insurance company, which in this case would be this board. They would have the power.

Yes; the Government would have the power to assume dangerous and hazardous risks which insurance companies do not want to assume.

What are the reasons assigned for this law by those who are sponsors for it? The gentleman from Alabama says this law is necessary for three reasons. He says it is necessary, first, in order to find a market for our corn; second, to find a market for our wheat; and, third, to find a market for our cotton. In 1913 we had for sale the largest corn crop we had grown in more than a decade; yet during that year we exported less than 47,000,000 bushels of corn. For the year 1914 we will export to all countries less than 8,000,000. And yet, according to the gentleman from Alabama [Mr. UNDERWOOD], it is necessary to involve the Government in this great risk, to impose upon the Government this great responsibility in order to send a few bushels of corn abroad.

The gentleman from Alabama made some very excellent speeches on the floor of this House, usually more in detail than his speech in support of this bill. His support of this bill is urged in behalf of the entire American people. Usually the gentleman assigns as a reason for his support of a measure that it will aid the consumer or the producer. Is this bill offered as a measure of relief to the American consumer from the high cost of living, who to-day must pay \$1.25 a bushel for his wheat? Would the gentleman from Alabama deplete our granaries and send our wheat abroad, making the cost of living higher in this country? In behalf of a constituency who are the largest corn raisers in this country I want to protest that they do not wish the Government to assume this great risk in order to send a little corn abroad. They do not want the Government to assume this great risk in order to send a little wheat abroad. If the gentlemen from the South want the Government to assume this great risk that may involve the United States in war, in order to market their cotton crop, they ought to be men enough and fair enough to say so, and not malign and misrepresent the farmers of the West and North in regard to their wheat crop and their corn crop by claiming this legislation is enacted in their interest. [Applause on the Republican side.]

Mr. ADAMSON. Mr. Chairman, I move that debate be now closed on this section and all amendments thereto.

The CHAIRMAN. The gentleman from Iowa has one minute remaining.

Mr. GOOD. Wheat is selling in Chicago at \$1.25 a bushel, or thereabouts. Corn is selling for 80 cents a bushel. Does the gentleman from Alabama [Mr. UNDERWOOD] claim this market is not good enough? Does he claim this price is too low? If so, what becomes of his promise to the consumers to reduce the cost of living? When did it occur to the gentleman from Alabama that living at reasonable prices for the ordinary laboring man in America should be surrendered in order that the shipping trust may pay increased dividends? Ah, if we want to expand our foreign trade, let us do what this Congress has already indicated should be done. Let us expand our trade southward, where we will not send cargoes across seas and bays that are mined.

We appropriated \$150,000 more than any previous Congress appropriated to build up our trade in South America. There is a great trade in South American countries for American manufactured products, and it is that trade that we now ought to seize, and our cargoes can go there without this insurance. Our cargoes can go there and build up an American trade that in time of peace would be a monument to the statesmanship of the party that would secure that trade.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GOOD. Mr. Chairman, I ask unanimous consent for one minute more.

The CHAIRMAN. The gentleman from Iowa asks that his time be extended one minute. Is there objection?

There was no objection.

Mr. GOOD. Mr. Chairman, I remember that about 10 years ago a protest went up from every quarter of this country against the unlawful practices of the insurance companies of this country. The gentleman from Maryland [Mr. LEWIS] has said that for every \$3 of premium they collected for marine insurance their risks only amounted to \$1, and now without any demand from the consuming public, without any demand from the producing public, with only a demand from the insurance companies themselves, this great Democratic Party puts forward this issue that Congress should now help out these insurance companies; that when the risk comes, when the real responsibility comes, it must be assumed by the Government and an appropriation made of \$5,000,000 out of the Treasury to underwrite these very risks. [Applause on the Republican side.] If we would subsidize the Shipping Trust, let us do it

in the open. If we would guarantee increased profits to marine insurance companies, let us manfully say so; but let us not do these questionable things under the guise of aiding the western farmer.

Mr. ADAMSON. Mr. Chairman, I move that all debate on this section and all amendments thereto be now closed.

The motion was agreed to.

The Clerk read as follows:

SEC. 5. That the Secretary of the Treasury is authorized to establish an advisory board, to consist of three members skilled in the practices of war-risk insurance, for the purpose of assisting the bureau of war risk insurance in fixing rates of premium and in adjustment of claims for losses, and generally in carrying out the purposes of this act; the compensation of the members of said board to be determined by the Secretary of the Treasury. In the event of disagreement as to the claim for losses, or amount thereof, between the said bureau and the parties to such contract of insurance, an action on the claim may be brought against the United States in the district court of the United States, sitting in admiralty, in the district in which the claimant or his agent may reside.

Mr. LEVY. Mr. Chairman, I move to strike out the last word. I regret exceedingly that the Members of this House are not in accord with this bill. I think they are all wrong on one side. I consider this one of the most important bills before this House. We have been tied up in exchange and in shipping risks. I investigated the question in New York and ascertained that the fault to a great extent was the failure to have war risks. All nations have war-risk insurance. Why should we not have them? We run into no liability, as gentlemen here have contended. I much prefer to have a director on this board with a large salary, so important is the question. There is no danger in any way, because we are not going to insure contraband goods. The international law is not to be construed in the way that gentlemen here have construed it. The London declaration is not in force, but the international law will be sustained throughout the world. There is no question about that.

We will have first-class officials to administer this law who will attend to the insurance. They are not going to insure contraband goods nor vessels belonging to other nations.

In relation to the chamber of commerce, it was only last week—I think on Tuesday—that I made it my business to see the president of the chamber of commerce, and he said that they were all in favor of the bill, that it was the most important bill now before the House, and that it would help out exchange and shipping.

We have a good many ships at the present time in the port of New York tied up because they can not obtain war risks. That is the main trouble. When we secure the war risk, exchange will let up. I think, gentlemen, you are making a great mistake in delaying this bill. The bill ought to have been passed last week. There may be a few minor corrections that would improve the bill, but I am for the bill as it is. I would not delay it a day. I would pass it now. If you put any amendments on it, it will have to go back to the Senate and will take another week, and in that way delay the financial and commercial business of the United States. As I said before, it is a great mistake not to pass it immediately. I think we all ought to stand by the bill and pass it unanimously—Republicans and Democrats. We are all patriots. [Applause.] I know you all mean to do right, but you are drifting away under a mistaken idea. The bill is a good bill. I do not believe the United States will get into any difficulties on account of it, as some gentlemen contend. I think we all ought to stand together and pass it and make it a law this week. [Applause.]

Through the courtesy of the New York Herald I have just received a wire stating that there are in the New York Harbor at the present time 202 passenger and freight vessels, 13 barks, and 3 full-rigged ships; that 75 per cent of these are detained there on account of the war. Last week there were 207 vessels in port—the largest number in the history of New York port.

Mr. ADAMSON. Mr. Chairman, I move that all debate on this section and amendments thereto close in five minutes.

Mr. STEVENS of Minnesota. Mr. Chairman, I would like five minutes.

Mr. MANAHAN. I may want to oppose the amendment.

Mr. ADAMSON. I will make it 10 minutes, so that the gentleman from Minnesota can use 5.

The CHAIRMAN. The gentleman from Georgia moves that all debate on the section and amendments thereto close in 10 minutes.

Mr. MANAHAN. I think we shall want 15. I want some time.

Mr. ADAMSON. You are the gentleman from Minnesota I referred to.

Mr. STEVENS of Minnesota. I want 5 minutes.

Mr. ADAMSON. Then, Mr. Chairman, I will make it 15 minutes.

The CHAIRMAN. The gentleman from Georgia moves that all debate on the section and amendments thereto close in 15 minutes.

The motion was agreed to.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 3, after the word "Treasury," in line 15, insert the following: "but not to exceed \$25 a day each while actually employed."

Mr. FITZGERALD. Mr. Chairman, this section authorizes the Secretary of the Treasury to establish an advisory board, to consist of three members skilled in the practices of war-risk insurance, for the purpose of assisting the bureau of war-risk insurance. It further authorizes the Secretary of the Treasury to fix the compensation of such officials. It seems to me that the House should fix some limitation upon the amount that can be paid to those experts. I have suggested that the sum of \$25 a day when actually employed would be reasonable compensation for such persons. I hope the amendment will be adopted.

Mr. MANAHAN. Mr. Chairman, it is not my purpose to direct my remarks entirely to this amendment, although I think it is in its purpose wise and timely. Nor would I speak upon the bill at all had it not been for the fact that an entirely unfair angle has been given to this discussion. This great measure ought not to have been brought down to the low level of partisan politics. The leader of the majority discredited himself and embarrassed his supporters by attempting to charge that the minority of the House was un-American in case it saw fit to oppose this bill. I do not believe any man in this country is justified to-day in charging his fellow man, especially a Member of this House, with being un-American or traitorous because, forsooth, he opposes this bill; and I, for one, resent the wholesale charge of the leader of the majority, personally and as a Member of the Republican Party. I do not think there has been a word said that justified it, nor an action taken which in any way invited it. In fact, I believe the accusation was made for the sole purpose of partisan advantage and not for the purpose of clarifying the situation regarding this measure. Therefore I say—and say with reluctance and regret—that the distinguished leader who made the charge discredited himself in making it and unnecessarily embarrassed his followers in the House.

Mr. Chairman and gentlemen of the House, I am in favor of this bill, not on the ground suggested by some of those who advocate it, that it will enable us to send vast quantities of our crops abroad and bring back gold; not as the gentleman from Indiana [Mr. CULLOP] argued, that it will enable us now under the stress of other nations to reach out and gobble up the markets of the world, because I say deliberately that the awful insanity of Europe, the terrible tragedy of humanity now being enacted in foreign lands, is due to that very spirit of greed and lust for wealth and power, and to no other cause.

And I say this great Nation would make a mistake, and it would be recreant to its traditions, and would be untrue to its aspirations, if now, because foreign nations are embarrassed and in a desperate struggle with each other, we pass legislation imbued with no other purpose or motive than to gobble up their property or commerce or opportunities. That is a base, ignoble motive. I do not believe this House or this Nation will be actuated by it. It is unwise, as well as base and ignoble, as demonstrated by the insanity of Europe at this present hour, because those great nations are destroying each other and the innocent lives of millions solely as a result of the greed and covetousness and lust for power that has taken possession of the public mind and of the great leaders of those nations—such greed and covetousness as seems to actuate some of the supporters of this bill. I am in favor of this bill for purely economic reasons. I do not believe it will invite disaster nor invite trouble with foreign nations. If I did, I would be the last man to vote for it. No gentleman who has spoken has given, to my mind, a good and valid reason why this bill, if enacted into law, will invite us to trouble or occasion us trouble with the nations of Europe. The danger urged is purely a figment of the imagination. But there is a grave economic reason for this bill, in that it will tend to upbuild what is so badly needed by the American people, namely, a merchant marine. It is one of the incidents of the business of a merchant marine to have insurance, and to have insurance at a reasonable rate, and therefore I welcome this opportunity to vote for a measure that will place under the guidance and control of the Government the business of marine insurance, even though it is only war-risk insurance. It is a step in the right direction, which, if followed up, will in days to come enable us to build up and maintain an auxiliary and support of a protecting Navy a great merchant marine that will operate along honorable lines, under the control, if not the

ownership, of the Government, and along those correct principles of trade and commerce which will bring prosperity, peace, and security to this country, and that is the best that we can hope for and all that we desire. [Applause.]

Mr. STEVENS of Minnesota. Mr. Chairman, the amendment of the gentleman from New York [Mr. FITZGERALD] illustrates the method of the construction of this bill. It was badly drafted, as his amendment discloses, and as I will further demonstrate. The proper phrasing of such a measure has not received the consideration that it should have received, either in the Senate or in the House, and neither committee attempted any serious criticism of its terms, and the amendments actually adopted were "hand-me-downs." The members of the House committee well know that no charge can be laid against me for delaying the recommendation by the Committee on Interstate and Foreign Commerce of this legislation, because it was within my power by merely requesting the presence of a quorum at the time to delay the final consideration of the measure by the committee. I did not do so, as it was urged that haste was necessary, although I then warned the committee that the bill had not been adequately considered, that adequate information had not been given to it by the committee, and that its construction was faulty and serious trouble might ensue if it be placed on the statute book in its present form. But you gentlemen have assumed this responsibility, and we can do no more.

In addition to the amendment of the gentleman from New York, which ought to be adopted, because there ought to be some limitation for the expense of this board, I suggest, in all sincerity, another defect which ought to have been considered. I desire to call the attention of those who are favoring this bill to the condition of section 2. I sought an opportunity to properly amend that section where I considered it defective, but the committee adopted a motion shutting off amendment and shutting off discussion of that section upon a matter that should have been considered. Those in charge of this measure have been very forward in severely criticizing, and especially us who have had the temerity to differ with them as to this measure, its defects, and its expected results; and you have been impatient at any suggestions from us for any improvement. I do not expect any change now, but it may afford you some consolation, indeed it does us, that the careless drafting of section 2 has left a condition which may be disagreeable, to speak mildly, which we would have gladly pointed out and corrected if you had given us the time instead of gagging and binding us by limiting the time and opportunity for amendment and debate.

I desire to call attention to section 2, especially as to the use of the word "American," in lines 11, 14, and 15. In line 11 the bill reads:

Insurance by the United States of American vessels.

That use in such a connection evidently makes a distinction in the meaning between the words "United States" and the word "American." Used in that juxtaposition it seems to me that it might be, and, indeed, should be, fairly construed that there is a difference of meaning between these two terms and that as so used they are not to be regarded as synonymous. It seems to me that the term "American" should be stricken out and "vessels of the United States and its citizens" inserted. In that way the terms would be of the same meaning, if so intended. Now the reason for that is this: Lines 14 and 15 provide—

That American vessels, shippers, importers in American vessels are unable in any trade to secure adequate war-risk insurance on reasonable terms.

In this connection, what is the meaning of the word "American"? What legislative definition or judicial definition has been given to the word "American"? It may mean South American, Central American, as well as North American, or be confined to the United States alone, and in its use above in this section it does not seem to be synonymous with the United States. If not, what would be the consequences? For example, we all know that there have been quite a number of ships registered in Costa Rica, in Central America, doing business with the United States and belonging, I think, in large part to United States citizens. Suppose any one of these Costa Rican vessels should not be desired to be transferred to the register of the United States and yet should be engaged in some trade where it may become necessary to secure adequate war-risk insurance on reasonable terms.

I think the very concerns who own these vessels are possibly endeavoring to do some business across the Atlantic with such or other lines which they control. Suppose they were under the Costa Rican flag, claiming to be American vessels—that is, Central American—and should come before this bureau of war insurance and state that the American importers and American

shippers could not get adequate protection for their vessels and cargoes and they wanted the privileges of this bill as Americans. The question would be raised at once by the board that there is a difference between the meaning of "United States" and of the word "American"; and the context shows such difference in meaning does exist. Those gentlemen would have the right to contend, under the language of that section, that they have the right to participate in that war insurance and to take advantage of your bounty. There would be no particular peril if they were refused, but it would be a promise to the ear and a violation of such promise and statute in the refusal. Of course it would not be granted, but it shows the looseness with which this bill has been drafted, and it shows that evils of that sort might breed prejudices injurious to our commerce, people, and interests. Just such little errors as that might create a sentiment against us among some of our American neighbors which would seriously injure our expected increase of trade among the Americans. We have no monopoly of the word "America." The others have the equal right to its use, and when it is so used it should mean what it states. When used as it here seems to be used, in contradistinction to the term "United States," we seem to clearly indicate such distinction. If we do, then by this section and bill we hold ourselves out as this Government writing war-risk insurance for all the Americans. I do not believe it was so intended. It should be so amended as to prevent such difficulty and possible misconception. The amendment of the gentleman from New York shows such a looseness. I do not expect the gentleman will adopt the suggestion which I have offered, but I do wish to show the committee that this bill has not been carefully drafted and it is filled with loopholes of just this character, which are liable at any time to cause misapprehension and possible trouble. [Applause on the Republican side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the Chairman announced the yeas appeared to have it.

On a division (demanded by Mr. FITZGERALD) there were—yeas 75, yeas 48.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 6. That the director of the bureau of war-risk insurance, upon the adjustment of any claims for losses in respect of which no action shall have been begun, shall, on approval of the Secretary of the Treasury, promptly pay such claim for losses to the party in interest; and the Secretary of the Treasury is directed to make provision for the speedy adjustment of claims for losses and also for the prompt notification of parties in interest of the decisions of the bureau on their claims.

Mr. MOSS of West Virginia. Mr. Chairman, I move to strike out the last word. Mr. Chairman, as one of those Republicans who have been supporting the Democratic emergency measures offered by the gentlemen on the other side, it is a matter of very great regret to me that the leader of the opposition has chosen this particular time to inject partisanship into this question. I am loath to believe that the leader of the majority is a different man two months before the election from what he is during all of the preceding months. I have the highest regard for him, as I believe all the Members on this side have, but during the last few days we have noticed a disposition on his part to make campaign material out of the questions that come up here in this House.

We were first treated by him to a resolution penalizing us if we should go home to campaign, which on its face, and taking into consideration the circumstances connected therewith, is a partisan resolution and is unfair to those Members on this side who have not yet been nominated or who yet have a campaign to make for election. Then we are treated by him to a declaration, made in the House of Representatives yesterday and to-day, that any man who does not now back this bill, and presumably anything that may be proposed nowadays by that side, is acting in an un-American manner. Mr. Chairman, I do not know what the definition of un-American is as used on that side. Some of us Republicans have been supporting these measures suggested by the President in the European war crisis because we wanted to support him at such times, but if gentlemen on that side of the aisle are going to loudly proclaim that anybody who opposes anything that is offered on that side, whether an emergency measure or not, is not a patriotic American, then it is time for us to denounce that attitude. Mr. UNDERWOOD, the Democratic leader, said yesterday:

But I have not reached the point where I am unwilling to protect the lives of American citizens and the American flag and American commerce in their rights on the high seas or at home.

He quotes almost the language of the Democratic platform, and yet, Mr. Chairman, down there in Mexico, when they had a chance recently to protect American citizens and American property on land and not on the high seas, they failed to do so, and they violated the platform which now the leader of the majority says should be sacredly observed.

Mr. Chairman, we had a condition there different in one way from what we will have if we send these ships out bearing contraband goods. Those Americans who went down to Mexico went there in good faith long before the war arose there and took all that they had with them, and yet when the news reached Tampico that the Americans had seized Vera Cruz the three American gunboats that were out there in the Tampico Harbor, ostensibly to protect American lives, quietly lifted their anchors and went away and left those American citizens, women and children, whom you promised to protect, absolutely without protection from the fury of the mob formed to attack them, because the State Department said that it might make the Mexicans mad if you protected the Americans there. They had to rely on the charity of German naval officers to protect and take them away. That is the kind of protection that we have had. And, Mr. Chairman, while I am opposed to war, I do not believe that the fear of war should keep us from protecting American citizens in time of great extremity, or should cause us to be branded as the only Nation in Christendom that will not protect its citizens. I am in favor of the Democratic platform in regard to that matter, but not in favor of Democratic performance.

Now, Mr. Chairman, this bill that is offered here—I say it at the risk of being called "un-American"—proposes to send out upon the high seas ships bearing contraband goods. That is the intent of it. Otherwise the gentlemen on the other side would have voted for the amendment which expressly disclaimed that intent. [Applause on the Republican side.]

Now, Mr. Chairman, if they are going to deliberately send those ships out on the high seas bearing contraband goods in the face of a great European war, I want to ask them if they are going to protect them as they protected American citizens in Mexico, or will they give them real protection? For myself, I believe the Government insurance of those ships puts the matter in an entirely different light than it would be if American citizens, willing to take the risks, would send out private vessels, because you are putting the Government back of that enterprise by this bill, and if some foreign power captures some vessel that this great Government has insured, then it may embroil us in that war, unless, Mr. Chairman, we are going to lay down the rule in this country that, no matter what is done to an American citizen or no matter what is done to an American ship or no matter what is done to American property, we are willing to lie down and say "amen" to it.

I am opposed to this bill, Mr. Chairman, because it is not really an emergency bill and because I believe it may put us in the position of either having to fight in order to protect some ship which a belligerent may believe is carrying contraband goods, or else put us in the position of making another miserable surrender when some foreign power inflicts hardships upon American citizens or takes American property. [Applause on the Republican side.]

Mr. ADAMSON. Mr. Chairman, I move that all debate on this section and amendments thereto may be now closed.

The motion was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 7. That for the purpose of paying losses accruing under the provisions of this act there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$5,000,000.

Mr. HEFLIN. Mr. Chairman, I move to strike out the last word.

If some of the gentleman on that side in their effort to play partisan politics could have their way, they would prevent the passage of this measure that seeks to provide for the carrying of the grain that the western farmer produces to the hungry women and children of Europe. They would deprive the farmers of the West of a market that this very legislation seeks to give to them. [Applause on the Democratic side.] But gentlemen in their effort to play politics are standing here and obstructing as best they can the passage of a bill that the President of the United States deems wise and necessary at this time. [Applause on the Democratic side.]

This is emergency legislation made necessary by conditions created by the war in Europe, and gentlemen in order to play partisan politics will throw themselves at a time like this in front of a measure that must be passed. Let me say to you

gentlemen, it is not long until the November election, and your elections will soon be on and nearly every one of you who are now fighting this legislation and other measures indorsed by the administration will be apologizing to your constituents for opposing President Wilson. You will have a lot of explaining to do to your own constituents. [Applause on the Democratic side.]

Mr. NORTON. Mr. Chairman, will the gentleman yield?

Mr. HEFLIN. Yes; I will yield briefly.

Mr. NORTON. Does not the gentleman from Alabama think that this foreign war has helped his party out a great deal to conceal its blunders?

Mr. HEFLIN. I think the fear exists on that side that it will lift still higher in the estimation of the American people this peace-loving President, Woodrow Wilson. [Applause on the Democratic side.] You are driven to sheer desperation because of that fear, and so anxious are you to play for partisan advantage that you allow yourselves to be used in opposing measures like this. You are so disturbed and scared that you have lost your heads, and there are but few of you left on that side, and when we get through with you in November there will be still fewer of you old "standpatters" there than there are now. [Applause on the Democratic side.] Quit this filibustering, gentlemen. When you get ready to make a point of no quorum you slip out into the cloakrooms and in the halls, so that the Speaker of this House can not count you, and then you refer to my absence for only two days, and one of the days was caused by a railroad wreck. [Laughter.]

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. HEFLIN. Mr. Chairman, when I advocated the passage of the resolution to keep Members here I knew I had an engagement to go to Kentucky to lay the corner stone of a public building, and I was willing to forfeit the money coming to me for the time that it required.

But you can not excuse your filibustering methods and your partisan politics in a time like this on my failure to be here for two days. Quit your filibustering tactics and your play for partisan advantage. We are fighting for measures that must be passed if we would keep the markets open to our products—measures that mean much to our country. [Applause on the Democratic side.]

Mr. ADAMSON. Mr. Chairman, I was going to move to close debate now, but seeing my eloquent friend from Philadelphia [Mr. MOORE] rise—my friend who has so hard a time to get a hearing in this House—I have changed my mind and will now move that all debate upon this section and all amendments thereto shall close in five minutes.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] moves that all debate upon this section and all amendments thereto close in five minutes. The question is on agreeing to that motion.

The motion was agreed to.

Mr. MOORE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 6, strike out the paragraph and insert the following: "SEC. 7. That upon the deposit with the Secretary of the Treasury of an indemnity fund in cash or Government bonds equal in amount to any appropriation herein made, there is hereby appropriated for the purposes of this act, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$5,000,000."

Mr. MOORE. Mr. Chairman, before I proceed to explain this amendment I desire to thank my distinguished and eloquent friend from Georgia, Mr. ADAMSON, for having lifted the embargo upon debate, for having called in the gag rule, that we might have five minutes' free discussion on this momentous question. The exigencies of the argument and the opposition encountered in the conduct of this bill through the Committee of the Whole have been such that, contrary to his usual practice, the gentleman from Georgia has repeatedly moved to shut off debate. He has done this whenever opportunity offered, although I am sure he has done it reluctantly.

I have offered this amendment, because it seems to me that you gentlemen who now have the responsibility of legislation have no right to take \$5,000,000 of the money of "the poor people of this land," for whom you have so often pleaded, and risk it for the benefit of the special interests who have their ships on the high seas. [Laughter on the Democratic side.] It seems to me that you could afford to be generous with "the poor farmers of the land, who pay the taxes," and on whom, you have so often contended, the real burdens of the Government rest. It seems to me you should also have some consideration for the working people in the mills and the factories,

for you have often "bled and died" most eloquently upon this floor in their behalf. [Laughter on the Republican side.]

Mr. LEVY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from New York?

Mr. MOORE. Yes.

Mr. LEVY. The income tax collected from the sections of the country, including Pennsylvania and New York, amounts to 33 per cent of the whole.

Mr. MOORE. Well, if they have made only 33 per cent it seems to me that you Democrats who gag at earnings and percentages might divide it with the poor people whom you claim to represent in this House. You are the "truly" friends of the poor.

My amendment, Mr. Chairman, provides that an indemnity fund shall be raised to make good to the people of the United States, to the taxpayers of the United States, whom you profess to defend, the \$5,000,000 which you are taking away from them to stake on this new and dangerous enterprise. It seems to me that an accurate reading of the names of these very distinguished men who came, many of them, directly from Wall Street, the very center of the awful Money Trust, which was an anathema in this House only a few months ago, to induce you to put up \$5,000,000 of the people's money in this war-insurance scheme, might convince you that possibly they could do this work themselves. I am not fully convinced that the check of any one of them would not be sufficient to establish a company with a capital sufficient to do all this business as a private enterprise, and thus save the Government the money risk and the people the frightful war uncertainty which is now staring them in the face. It seems to me, I say, that an accurate reading of their names—the names of these gentlemen from New York who brought you this legislation—would be very instructive and edifying just at this moment. Let me read the names of some of these distinguished gentlemen; there were 60 or more of them in all, we are told, who in conference with the forceful Democratic leaders of this body at the White House induced them to bring in this bill.

Let us see exactly who these gentlemen were. Mr. Samuel Rea was one of them, a gentleman for whom I have a very high regard. He is a good Democrat and also the president of the Pennsylvania Railroad. He was one of these men who signed the report of the committee. Another was Mr. Alfred H. Smith, the president, I believe, of the New York Central Railroad. He was one of those who asked you to vote this \$5,000,000 of the people's money to save the risks which shippers might undergo if they sent their ships to dangerous places in foreign countries and took the chances that the ordinary marine insurance companies would not take. Mr. Jacob H. Schiff was another one of these gentlemen who signed this report and made this request of the President and the Democratic leaders. He is a distinguished member of the firm of Kuhn, Loeb & Co., and, according to speeches which have become familiar on the other side of the House, is one of the men who manipulate the wealth of this country. Mr. J. Pierpont Morgan was another, and I am sure it is not necessary to explain who he is. The Democratic Party has investigated him thoroughly and denounced him fully. Incidentally I commend to the gentleman from Indiana [Mr. CULLOR] the class of men for whom in defense of this bill he speaks to-day, because he so often speaks for that other class of "downtrodden agriculturists" in the rural districts of the State of Indiana. [Laughter.] Mr. Frank A. Vanderlip, the president of the National City Bank, of New York, was another of the petitioners for this governmental insurance fund of \$5,000,000. Is it the Standard Oil Co. or the United States Steel Corporation that wields a powerful influence at this great banking institution? Perhaps in consequence of their new associations some of our Democratic brethren can tell. And Mr. James A. Farrell, president of the United States Steel Corporation, is another of the signers of the petition upon the strength of which you propose to vote \$5,000,000 of the people's money out of the Treasury to safeguard private and special interests against losses that may occur in the oil business, or the steel business, or the cotton business, or other shipments from the United States into Russia, Germany, and other countries that are now at war. This risk you propose to incur, despite your home market, merely for the sake of foreign gold. And these are the gentlemen for whom you are asking the people of the country to pass this bill, these 60 or more, mostly from Wall Street, which you so bitterly condemned. Remarkable, indeed, is this new-found "emergency," which has induced the Democratic Party to change front as the real and only friend of "the downtrodden and the poor." As we now behold it, trampling upon its own pretenses, it stands forth as the representative of the "special interests,"

bracing itself to vote away the people's money to save the money of the rich. [Applause on the Republican side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was rejected.

The Clerk read as follows:

SEC. 8. That there is hereby appropriated for the purpose of defraying the expenses of the establishment and maintenance of the bureau of war-risk insurance, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$100,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 4, in line 12, after the word "insurance," insert the following: "Including the payment of salaries herein authorized and other personal services in the District of Columbia."

Mr. ADAMSON. I will accept that amendment.

Mr. FITZGERALD. I wish to make a statement for the RECORD, to show the reason for this amendment. There is a statute which prohibits the payment of any salaries out of lump appropriations unless the salary be specifically provided for. It also prohibits the payment of personal services in the District of Columbia out of such an appropriation unless specific authority is given in the appropriation. In order that this bureau may not be crippled at the outset, which it will be without such authority, this amendment is necessary.

Mr. MANN. Mr. Chairman, I should like to suggest to the gentleman from New York that I think his amendment is not complete. While I do not know that I am specially interested in putting the bill into proper shape, still under a recent ruling of the comptroller, to which the gentleman's attention has been recently directed, or will be directed shortly, by a message transmitted to the Speaker, there could not be any rent paid for any quarters in the District of Columbia out of this fund unless it is specifically authorized.

Mr. FITZGERALD. That is true; but there are accommodations in the Treasury Department, I think, ample for any force that may be utilized in this way.

Mr. MANN. If they have any space in the Treasury Department, I am quite willing that they shall use it, considering the fact that they are renting a large amount of space in other parts of the city on the ground, as stated, that they have not room enough in the Treasury Department.

Mr. ADAMSON. I accept the amendment.

Mr. MANN. I want to be heard on the amendment.

Mr. ADAMSON. I ask unanimous consent that all debate on this paragraph and amendments thereto be closed at the end of five minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that debate on this paragraph and amendments thereto be closed in five minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I am sure it is a great delight to the House to know that the gentleman from Alabama [Mr. HEFLIN] has returned safely. The country took great chances when he ran into a wreck anywhere. Think what a loss it would be if the gentleman from Alabama was not permitted to be in the House every day! A few days ago he appeared in the House and notified the Members that the Republicans were absent, and that he proposed to see that they were present. Then he immediately took a train to leave town and ran into a railroad wreck. Just before he made that speech he had not been in the House for several weeks.

Mr. HEFLIN. Mr. Chairman, will the gentleman permit an interruption?

Mr. MANN. Yes.

Mr. HEFLIN. I was away when there was nothing of importance to do in the House. We were waiting on the Senate. I went to attend our family reunion, and was there about 10 days.

Mr. MANN. The gentleman's statement that he had been gone is true; but there was much going on in the House, notwithstanding his absence. [Laughter on the Republican side.] I know the gentleman from Alabama probably thinks that the House can not operate unless he is here. Yet when I recall the fact that the gentleman from Alabama during this session has been absent 59 times when there was a roll call in the House and a record vote, I have wondered whether the gentleman might not be mistaken in thinking that we could not perform unless he was here to tell us how. [Laughter and applause on the Republican side.]

Mr. HEFLIN. Mr. Chairman, will the gentleman permit one more interruption?

Mr. MANN. I will yield.

Mr. HEFLIN. The roll calls the gentleman speaks of were had, the most of them, when there was no necessity for a quorum. The House was simply marking time and the roll calls that were had were forced by the useless filibuster conducted by the gentleman from Illinois [Mr. MANN]. [Applause on the Democratic side.]

Mr. MANN. That statement is not correct, and the gentleman knows it is not correct.

Mr. HEFLIN. The gentleman had roll call after roll call after Mr. UNDERWOOD tried to get him to agree that we could adjourn for three days at the time. He would not agree to the suggestion of Mr. UNDERWOOD, and yet there was nothing to keep us here. We were waiting on the Senate.

Mr. MANN. There has been a roll call on no such proposition.

Mr. HEFLIN. We had roll calls on motions to adjourn.

Mr. MANN. I am not talking about the last session of Congress. I have not included that in the time. The gentleman from Alabama was absent at the special session, but I have included only those absences of the gentleman—and sorry we were that he was away—when we were actually doing business at this session of Congress. The gentleman was absent on 59 roll calls.

Mr. HEFLIN. If that is true, they were roll calls growing out of a Republican filibuster on motions to adjourn and the like. They were not on questions of importance.

Mr. MANN. There have been no roll calls on motions to adjourn at this session of Congress. The gentleman should not run into a buzz saw.

Mr. HEFLIN. The gentleman is mistaken. We have had roll calls on the motion to adjourn.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 4, in lieu of section 9, insert the following:

"SEC. 9. The President is authorized, whenever in his judgment the necessity for further war insurance by the United States shall have ceased to exist, to suspend the operation of this act in so far as it authorizes insurance by the United States against loss or damage by risk of war, which suspension shall be made at any event within two years after the passage of this act, but shall not affect any insurance outstanding at the time or any claims pending adjustment. For the purpose of the final adjustment of any such outstanding insurance or claims, the bureau of war-risk insurance may, in the discretion of the President, be continued in existence for a further period not to exceed four months."

Mr. FITZGERALD. Mr. Chairman, the purpose of the committee was undoubtedly to put in the power of the President the authority to terminate the bureau of war-risk insurance when the necessity for it had ceased. But under the wording of the provision, if the President shall terminate the operation of the act whenever he finds that necessity for further war insurance does not exist, there is no provision made to take care of outstanding risks or outstanding claims.

Moreover, the provision suggested, that the bureau be continued for two years, with the further provision for an extension of four months, would insure that the final termination of the existence of the bureau would be at a period when Congress would be in session, so that if any necessity existed for its continuance there would be no difficulty arising from inability to extend because Congress were not in session.

I believe that the amendment, as suggested, merely makes more certain and definite what is to be done, and protects against any possibility the inability of the bureau to take care of outstanding risks and claims.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MANN. Does the gentleman think that four months is a reasonable time?

Mr. FITZGERALD. It is four months after two years. It provides that the President shall suspend the operation of the act within two years, but he may extend it four months additional.

Mr. MANN. Suppose he should suspend the operation of the act on March 15 next—and we hope that that may occur—and that they had a lot of war-risk insurance outstanding?

Mr. FITZGERALD. I think the amendment covers that.

Mr. MANN. I understood the amendment to say that the bureau could only be extended for four months after the President suspended the operation of the act.

Mr. FITZGERALD. I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again read the amendment.

Mr. MANN. That is four months after the suspension of the act. Suppose the suspension of the act occurred on the 4th of March, and there is no extra session. It might be essential, in order to wind up insurance already outstanding, that the bureau should continue in existence longer than four months.

Mr. FITZGERALD. Mr. Chairman, the construction that I place upon the provision is different from that of the gentleman from Illinois; but if there be any difference of opinion as to how it shall be construed, it should be modified. I therefore ask unanimous consent to insert "one year" instead of "four months."

Mr. ADAMSON. I suggest to the gentleman from New York that in lieu of the "four months" he might say "to the next session of Congress."

Mr. FITZGERALD. Mr. Chairman, I suggest one year. I believe it better to make the time definite, and such time would be ample.

The CHAIRMAN. The gentleman from New York asks unanimous consent to modify his amendment by striking out "four months" and inserting in lieu thereof "one year." Is there objection?

Mr. JOHNSON of Washington. Mr. Chairman, I reserve the right to object, for the purpose of pointing out that the settlement of war insurance claims are likely to extend far beyond the time suggested in the amendment. During the war between Japan and Russia there were a number of vessels on the Pacific Ocean—

Mr. ADAMSON. Mr. Chairman, if the gentleman desires a few minutes' time, I shall ask that debate on this section end in five minutes.

Mr. JOHNSON of Washington. I thank the gentleman. I should like to make a short statement.

The CHAIRMAN. The time of the gentleman from New York has expired. Is there objection to the request of the gentleman from New York?

Mr. JOHNSON of Washington. Mr. Chairman, I desire to be heard for five minutes.

Mr. ADAMSON. Mr. Chairman, if the gentleman from New York has completed his amendment, I accept it, and I ask that all debate close at the end of five minutes, unless the gentleman from Washington concludes in less than that time.

The CHAIRMAN. The gentleman from New York asks unanimous consent to modify his amendment by striking out the words "four months" and inserting in lieu thereof the words "one year." Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question is on the amendment offered by the gentleman from New York, as modified, and the gentleman from Washington [Mr. JOHNSON] is recognized for five minutes.

Mr. JOHNSON of Washington. Mr. Chairman, if we go into a governmental war-risk insurance business, as we seem determined to do, the commission in charge of the work will undoubtedly be engaged for many years longer than this bill, or even the amendment of the gentleman from New York [Mr. FITZGERALD], contemplates; that is, provided, of course, that ships come under our flag and get into the over-seas business.

Mr. Chairman, the war between Russia and Japan lasted but a little over one year and involved only those two nations. Quite a large number of vessels on the Pacific Ocean undertook to do business on the seas in the Far East. Not all of these vessels undertook to go directly to either of the belligerent countries. Nearly all of them got into trouble. I have in mind the particular case of the Blue Funnel liner *Calchas*, which steamed from Tacoma laden with a general mixed cargo, including a little wheat and some cotton. This cotton had been declared contraband of war, I think, by Japan. The vessel was seized by Russia, detained at Vladivostok for several months, and was finally released. The costs incident on the delay were very heavy. The Russian Government paid demurrage, but, nevertheless, some of the cargo having been seized and retained, it took between seven or eight years for the American owners of that cargo to secure a settlement. Other cases required five or six years.

If this bill we are now considering is intended to do any good at all, it will do so by paving the way for some form of war insurance to vessels which it is expected are to be transferred to American registry and which will go out from our ports for the purpose of making money and carrying goods which may or may not be contraband, but part of which will be under suspicion. Some of these vessels will be very old ones. Some of them will have foreign captains and crews, whose sympathies will be with some one or more of the European nations and not with the United States. They are likely to seek to carry con-

traband. All must have insurance in some form or other, and the cost of that insurance should fall on those who expect to receive the goods, be they contraband or otherwise.

The amendment offered by the gentleman from Wisconsin [Mr. STAFFORD] should have been adopted. It would have permitted the United States to have drawn a clear line and would have led to the development of commerce with strictly neutral nations, would have permitted the insurance of such cargoes, and, if sustained long enough, would have played a part in actually developing and sustaining an American merchant marine.

Mr. Chairman, on August 3, when there was rushed through this body, with debate limited to 30 minutes, the bill providing for American registry, I, remembering some of the experiences of the Pacific coast importers, cautioned the gentlemen who were putting that bill through without amendment that the insurance problem would be the one to come up and bother them. I said then:

While we are talking of picking up old foreign ships for use under the American flag we should consider the matter of insurance. If we pass such legislation that foreign vessels can come under American registry, I do not think that the insurance will drop to any such figure that the people of the United States will feel warranted in sending great cargoes into the ports of war-ravaged countries.

I am still of the opinion that war-risk rates will not drop even with this governmental insurance, and that this Nation will find itself underwriting the wrong risks, and that the danger and the doubt will continue. Corn and wheat and food-stuffs will be wanted by all the European nations, and will continue to be declared contraband by all. This bill is woefully incomplete.

Mr. Chairman, I regret exceedingly that this House has seen fit to-day to refuse to add a direct and positive clause to this bill stating definitely where we stand on the question of contraband and neutrality. That would have given a perfected bill that every Member could have supported without fear of its creating entangling and long-drawn-out situations, with the hope that it might really help in the moving of the cotton crop, which is, of course, its real purpose.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York as modified.

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 19, page 4, add as a new section the following:

"SEC. 10. That a detailed statement of all expenditures under this act and of all receipts hereunder shall be submitted to Congress at the beginning of each regular session."

Mr. ADAMSON. Mr. Chairman, we have no objection to that.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 10. That this act shall take effect from and after its passage.

Mr. ADAMSON. Mr. Chairman, I move that that section be renumbered, that the figures "11" be substituted for the figures "10."

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that in line 20 the figures "10" be stricken out and the figures "11" be inserted in lieu thereof. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. ADAMSON. Mr. Chairman, I move that the committee do now rise and report the bill with the preamble and amendments to the House with the recommendation that the amendments be agreed to and that the bill and preamble be adopted. [Applause.]

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 6357) to authorize the establishment of a bureau of war-risk insurance in the Treasury Department, and had directed him to report the bill with a preamble and with certain amendments, with the recommendation that the amendments be agreed to, that the preamble be adopted, and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. ADAMSON. Mr. Speaker, I believe the rule provided for the previous question.

The SPEAKER. Yes. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on agreeing to the preamble.
Mr. MANN. Mr. Speaker, that comes after the engrossment and third reading.

The SPEAKER. But a Senate bill is not engrossed.

Mr. MANN. Well, after the third reading.

Mr. TOWNER. Mr. Speaker, I desire to make a motion to strike out the preamble when the proper time arrives.

The SPEAKER. The practice about a House bill is to put the preamble after the engrossment and before the third reading and by analogy—

Mr. MANN. That is correct, and the motion would be in order now.

The SPEAKER. Does the gentleman from Iowa desire to make a motion?

Mr. ADAMSON. I suggest, inasmuch as the recommendation is that the preamble be stricken out, that a negative vote on that would serve the same purpose as the motion proposed by the gentleman from Iowa.

The SPEAKER. That undoubtedly would be true.

Mr. TOWNER. Mr. Speaker, I make the motion to strike out the preamble.

The SPEAKER. Well, it is as broad as it is long. The gentleman from Iowa moves to strike out the preamble.

The question was taken, and the motion was rejected.

The SPEAKER. The question is on agreeing to the preamble.

The question was taken, and the preamble was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time; was read the third time.

The SPEAKER. The question is, Shall the bill pass?

Mr. ADAMSON. Mr. Speaker, on that I demand the yeas and nays. [Cries of "No!"]

The SPEAKER. The gentleman from Georgia demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Evidently a sufficient number, and the yeas and nays are ordered, and the Clerk will call the roll.

The question was taken; and there were—yeas 230, nays 58, answered "present" 6, not voting 137, as follows:

YEAS—230.

Abercrombie	Donohoe	Kirkpatrick	Roberts, Mass.
Adamson	Donovan	Kitchin	Roberts, Nev.
Alexander	Doolittle	Konop	Rouse
Ashbrook	Doremus	Langley	Rupley
Baker	Doughton	Lee, Pa.	Russell
Baltz	Driscoll	Leshner	Scully
Barchfield	Edwards	Lever	Seldomridge
Barnhart	Evans	Levy	Sells
Bathrick	Falconer	Lewis, Md.	Sherwood
Beakes	Farr	Ljeb	Shreve
Beall, Tex.	Fergusson	Lindquist	Sims
Blackmon	Ferris	Linthicum	Slayden
Booher	Fields	Lloyd	Slomp
Borchers	Fitzgerald	Lobeck	Small
Borland	FitzHenry	Logue	Smith, Idaho
Bowdle	Floyd, Ark.	Lonergan	Smith, J. M. C.
Britten	French	McAndrews	Smith, Minn.
Brockson	Gallagher	McCoy	Smith, Saml. W.
Brodbeck	Gallivan	McKellar	Smith, Tex.
Broussard	Gard	MacDonald	Sparkman
Bryan	Garner	Maguire, Nebr.	Stanley
Buchanan, Ill.	Garrett, Tenn.	Maher	Stedman
Buchanan, Tex.	Garrett, Tex.	Manahan	Stephens, Miss.
Bulkley	Gerry	Mapes	Stephens, Nebr.
Eurgess	Gill	Mitchell	Stephens, Tex.
Burke, Wis.	Gillmore	Moon	Stone
Burnett	Gittins	Morgan, La.	Sutherland
Byrnes, S. C.	Godwin, N. C.	Morgan, Okla.	Talcott, N. Y.
Byrnes, Tenn.	Goldfogle	Morin	Tavener
Campbell	Goodwin, Ark.	Morrison	Taylor, Ala.
Candler, Miss.	Gorman	Moss, Ind.	Taylor, Ark.
Cantor	Gray	Mulkey	Taylor, Colo.
Cantrill	Gregg	Murray, Mass.	Ten Eyck
Caraway	Griffin	Murray, Okla.	Thacher
Carew	Gudger	Neeley, Kans.	Thomas
Carlin	Hamill	Neely, W. Va.	Thompson, Okla.
Carr	Hamlin	Nolan, J. I.	Townsend
Carter	Hammond	Norton	Tribble
Casey	Hardy	O'Brien	Tuttle
Claypool	Harris	Oglesby	Underwood
Cline	Harrison	O'Hair	Vaughan
Coady	Hay	Oldfield	Vollmer
Collier	Hayden	O'Shaunessy	Volstead
Connelly, Kans.	Heflin	Padgett	Walker
Connolly, Iowa	Helm	Page, N. C.	Walsh
Conry	Helvering	Palmer	Watson
Copley	Holland	Park	Weaver
Cox	Houston	Peterson	Webb
Crosser	Howard	Phelan	Whaley
Cullop	Hughes, Ga.	Post	Whitacre
Davenport	Hughes, W. Va.	Pou	White
Davis	Hull	Quin	Williams
Decker	Humphreys, Miss.	Raker	Wilson, Fla.
Deitrick	Igoe	Rauch	Wingo
Dent	Johnson, S. C.	Rayburn	Young, N. Dak.
Dickinson	Keating	Reed	Young, Tex.
Diffenderfer	Kelly, Pa.	Reilly, Conn.	
Dillon	Key, Ohio	Reilly, Wis.	

NAYS—58.

Anderson	Good	Kinkaid, Nebr.	Scott
Bailey	Green, Iowa	McGuire, Okla.	Sinnott
Bartholdt	Greene, Mass.	McLaughlin	Sloan
Barton	Greene, Vt.	Mann	Stafford
Bell, Cal.	Hamilton, Mich.	Mondell	Stephens, Cal.
Burke, S. Dak.	Hamilton, N. Y.	Moore	Stevens, Minn.
Butler	Hawley	Moss, W. Va.	Temple
Callaway	Helgesen	Nelson	Thomson, Ill.
Cary	Howell	Parker	Towner
Cramton	Hulings	Patton, Pa.	Willis
Curry	Humphrey, Wash.	Payne	Witherspoon
Danforth	Johnson, Utah	Platt	Woodruff
Dunn	Johnson, Wash.	Plumley	Woods
Fordney	Kennedy, Iowa	Prouty	
Frear	Kennedy, R. I.	Rogers	

ANSWERING "PRESENT"—6.

Gillett	Kahn	Madden	Sisson
Henry	La Follette		

NOT VOTING—137.

Adair	Eagle	Jones	Peters
Aiken	Edmonds	Keister	Porter
Ainey	Elder	Kelley, Mich.	Powers
Allen	Esch	Kennedy, Conn.	Ragsdale
Ansberry	Estopinal	Kent	Rainey
Anthony	Fairchild	Kettner	Riordan
Aswell	Faison	Kless, Pa.	Rothermel
Austin	Fess	Kindel	Rubey
Avis	Finley	Kinhead, N. J.	Rucker
Barkley	Flood, Va.	Knowland, J. R.	Sabath
Bartlett	Foster	Korbly	Saunders
Bell, Ga.	Fowler	Kreider	Shackelford
Brown, N. Y.	Francis	Lafferty	Sherley
Brown, W. Va.	Gardner	Langham	Smith, Md.
Browne, Wis.	George	Lazaro	Smith, N. Y.
Browning	Glass	Lee, Ga.	Steenerson
Bruckner	Goeke	L'Engle	Stevens, N. H.
Brumbaugh	Gordon	Lenroot	Stout
Burke, Pa.	Goulden	Lewis, Pa.	Stringer
Calder	Graham, Ill.	Lindbergh	Summers
Chandler, N. Y.	Graham, Pa.	Loft	Switzer
Church	Griest	McClellan	Taggart
Clancy	Guernsey	McGillcuddy	Talbott, Md.
Clark, Fla.	Hardwick	McKenzie	Taylor, N. Y.
Cooper	Hart	Mahan	Treadway
Covington	Haugen	Martin	Underhill
Crisp	Hayes	Merritt	Vare
Dale	Hensley	Metz	Wallin
Dershem	Hill	Miller	Walters
Dies	Hinds	Montague	Watkins
Dixon	Hinebaugh	Mott	Wilson, N. Y.
Dooling	Hobson	Murdock	Winslow
Drukker	Hoxworth	O'Leary	
Dupré	Jacoway	Paige, Mass.	
Eagan	Johnson, Ky.	Patten, N. Y.	

So the bill was passed.

The Clerk announced the following pairs:

For the session:

Mr. GLASS with Mr. SLEMP.

Mr. METZ with Mr. WALLIN.

Until further notice:

Mr. SIMS with Mr. GRAHAM of Pennsylvania.

Mr. BARTLETT with Mr. HAYES.

Mr. FOSTER with Mr. MARTIN.

Mr. ADAIR with Mr. AUSTIN.

Mr. ASWELL with Mr. AINEY.

Mr. SABATH with Mr. SWITZER.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. RUSSELL with Mr. LA FOLLETTE.

Mr. BELL of Georgia with Mr. CALDER.

Mr. ELDER with Mr. WINSLOW.

Mr. BARKLEY with Mr. FAIRCHILD.

Mr. ESTOPINAL with Mr. KIESS of Pennsylvania.

Mr. RAINEY with Mr. MERRITT.

Mr. SHACKLEFORD with Mr. MOTT.

Mr. SHERLEY with Mr. GILLET.

Mr. GRAHAM of Illinois with Mr. PORTER.

Mr. RIORDAN with Mr. POWERS.

Mr. UNDERHILL with Mr. STEENERSON.

Mr. AIKEN with Mr. ANTHONY.

Mr. HARDWICK with Mr. J. R. KNOWLAND.

Mr. ALLEN with Mr. BROWNE of Wisconsin.

Mr. CHURCH with Mr. AVIS.

Mr. CLANCY with Mr. BROWNING.

Mr. CLARK of Florida with Mr. BURKE of Pennsylvania.

Mr. DUPRE with Mr. COOPER.

Mr. FINLEY with Mr. DRUKKER.

Mr. FLOOD of Virginia with Mr. EDMONDS.

Mr. FOSTER with Mr. GRIEST.

Mr. FRANCIS with Mr. FESS.

Mr. GOEKE with Mr. HAUGEN.

Mr. JACOWAY with Mr. KEISTER.

Mr. JONES with Mr. KELLEY of Michigan.

Mr. LEE of Georgia with Mr. KREIDER.

Mr. MONTAGUE with Mr. LANGHAM.

Mr. PATTEN of New York with Mr. HINEBAUGH.

Mr. RUBEX with Mr. LEWIS of Pennsylvania.
 Mr. RUCKER with Mr. McKENZIE.
 Mr. SAUNDERS with Mr. MILLER.
 Mr. SMITH of Maryland with Mr. PAIGE of Massachusetts.
 Mr. TAGGART with Mr. PETERS.
 Mr. WATKINS with Mr. VARE.

On this vote:

Mr. DIXON (for the bill) with Mr. WALTERS (against).
 Mr. TALEOTT of Maryland (for the bill) with Mr. KAHN (against).

Mr. AIKEN (for the bill) with Mr. TREADWAY (against).

Mr. RAGSDALE with Mr. MADDEN.

Mr. MADDEN. Mr. Speaker, I wish to know if the gentleman from South Carolina, Mr. RAGSDALE, is recorded as having voted?

The SPEAKER. No.

Mr. MADDEN. I voted "nay"; but I am paired with the gentleman and wish to withdraw my vote of "nay" and vote "present."

The name of Mr. MADDEN was called, and he voted "present."

The result of the vote was announced as above recorded.

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 7967. An act to amend the act approved June 25, 1910, authorizing a postal savings system; and

H. R. 1857. An act providing for second homestead and desert-land entries.

LEAVE OF ABSENCE.

Mr. FARR, by unanimous consent, was granted leave of absence, indefinitely, on account of sickness in his family.

EXTENSION OF REMARKS.

Mr. LEVY. Mr. Speaker, I ask unanimous consent to read a dispatch I have just received from the New York Herald.

Mr. MANN. I object, Mr. Speaker.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects.

Mr. LEVY. I ask unanimous consent, then, to make it a part of my remarks. Will the gentleman from Illinois withhold his objection for a moment?

Mr. MANN. No; I will not. I object.

The SPEAKER. The gentleman from Illinois objects, and that is the end of it. The gentleman from New York [Mr. LEVY] asks leave to extend his remarks in the Record. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. LEVY. I have that leave anyhow. [Laughter.]

The SPEAKER. Then the gentleman did not have to make his request.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 48 minutes p. m.) the House adjourned until Monday, August 31, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. LEVER, from the Committee on Agriculture, to which was referred the bill (H. R. 18492) to authorize the Secretary of Agriculture to establish uniform standards of classification for cotton; to provide for the application, enforcement, and use of such standards in transactions in interstate and foreign commerce; to prevent deception therein; and for other purposes, reported the same with amendment, accompanied by a report (No. 1120), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HULINGS: A bill (H. R. 18531) to provide revenues for the United States by the taxation of the issues of and transactions in securities as defined herein, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of Idaho: A bill (H. R. 18532) to provide for drainage of Indian allotments in Bonner County, Idaho; to the Committee on Indian Affairs.

By Mr. TAVENNER: A bill (H. R. 18593) granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War; to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 18594) to provide for the payment for certain lands within the former Flathead Indian Reservation, in the State of Montana; to the Committee on the Public Lands.

By Mr. GOOD: Joint resolution (H. J. Res. 330) to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved April 24, 1914; to the Committee on Invalid Pensions.

By Mr. FREAR: Resolution (H. Res. 612) instructing the Committee on the Judiciary of the House to ascertain what efforts have been exerted toward the passage of the rivers and harbors bill by the Atlantic and Gulf Coast Dredge Owners' Association; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 18595) granting an increase of pension to Thomas Adams; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 18596) granting a pension to Richard Burns; to the Committee on Invalid Pensions.

By Mr. HULINGS: A bill (H. R. 18597) granting an increase of pension to Ezra Rohn; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 18598) for the relief of Jefferson Franks; to the Committee on Military Affairs.

By Mr. SLEMP: A bill (H. R. 18599) granting a pension to James A. Kaiser; to the Committee on Pensions.

By Mr. STEPHENS of California: A bill (H. R. 18600) granting an increase of pension to Gardner D. Child; to the Committee on Pensions.

By Mr. STONE: A bill (H. R. 18601) granting an increase of pension to William Braught; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 18602) granting a pension to Mary J. Hood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18603) granting an increase of pension to Seldon T. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18604) granting an increase of pension to William MacKinnell; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of 117 citizens of Smithville and Wayne County, Ohio, relative to North Pole controversy; to the Committee on Naval Affairs.

By Mr. BATHRICK: Petition of 240 citizens of Summit County, Ohio, relative to the North Pole controversy; to the Committee on Naval Affairs.

By Mr. BRUCKNER: Petition of R. S. Kurshutt, of New York, favoring House bill 7267, to indemnify the Stevens Institute; to the Committee on Claims.

Also, petition of Berliner, Strauss & Meyer, of New York, against Clayton antitrust bill; to the Committee on the Judiciary.

By Mr. CONNELLY of Kansas: Petition of 150 voters of Wakeeney, Kans., and various voters of Ellsworth, Kans., for the passage of the Sheppard-Hobson amendment; to the Committee on Rules.

By Mr. DEITRICK: Petition of sundry citizens of Massachusetts against the advancing price of flour; to the Committee on Interstate and Foreign Commerce.

By Mr. FERGUSON: Petitions of Dr. J. W. Truder and 4 other citizens of Roswell, Mrs. Sidwell Fulton and 4 other citizens of Santa Rosa, Elmer F. Taylor, Walter O. Asheroft, John F. Black, jr., and 32 other citizens of Farmington, all of the State of New Mexico, favoring national constitutional prohibition; to the Committee on Rules.

By Mr. HOWELL: Petition of the Ward Parents' Class, of Glenwood, Utah, favoring national prohibition; to the Committee on Rules.

By Mr. KEISTER: Petition of Typographical Union No. 415, of Butler, Pa., against the practice of printing by private contract the commercial corner cards on stamped envelopes; to the Committee on Printing.

By Mr. LONERGAN: Petition of the Connecticut State Medical Society, of New Haven, Conn., favoring mental examination

of immigrants upon arrival from abroad; to the Committee on Immigration and Naturalization.

By Mr. MAGUIRE of Nebraska: Petition of various business men of Johnson, Burr, and Falls City, all in the State of Nebraska, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. J. I. NOLAN: Resolutions of Montezuma Tribe, No. 77, Improved Order of Red Men, and of San Francisco Parlor, No. 49, Native Sons of the Golden West, of San Francisco, Cal., favoring the passage of the Hamill bill (H. R. 5139); to the Committee on Reform in the Civil Service.

By Mr. O'SHAUNESSY: Petition of Rev. J. H. Roberts, of Greenville, R. I., favoring national prohibition; to the Committee on Rules.

Also, petition of Mrs. O. H. P. Belmont and others, of Newport, R. I., favoring woman suffrage; to the Committee on Rules.

By Mr. REILLY of Connecticut: Petition of the New Haven (Conn.) Socialist Party, favoring operation by Government of all food industries; to the Committee on Interstate and Foreign Commerce.

By Mr. SCOTT: Petition of the Woman's Home Missionary Society of the Methodist Episcopal Church of Sioux City, Iowa, against running railroad tracks in front of Sibley Hospital, Washington, D. C.; to the Committee on the District of Columbia.

By Mr. STEPHENS of California: Petition of Montezuma Tribe, No. 77, Improved Order of Red Men, and Parlor 49, Native Sons of the Golden West, of San Francisco, Cal., favoring Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

Also, petition of Charles E. Yale, of Santa Monica, Cal., against the proposed war tax on cigars; to the Committee on Ways and Means.

Also, petition of the General Contractors' Association of San Francisco, Cal., against House bill 14288, providing for segregation of the mechanical equipment of the United States Government buildings; to the Committee on Public Buildings and Grounds.

Also, petition of the Master Roofers and Manufacturers' Associations of San Francisco, Cal., against passage of the Clayton antitrust bill at this time; to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Petition of sundry citizens of St. Paul, Minn., protesting against any increase in tax on cigars; to the Committee on Ways and Means.

By Mr. WATSON: Petition of sundry citizens of Surry County, Va., relative to establishment of a rural-credit system; to the Committee on Banking and Currency.

By Mr. WEBB: Petition of sundry citizens of Thompson and Sterling, Conn., favoring national prohibition; to the Committee on Rules.

By Mr. WILLIS: Petition of Ransom Reed Post, No. 113, Department of Ohio, Grand Army of the Republic, in favor of Federal appropriation in aid of the national celebration and peace jubilee to be held at Vicksburg, Miss., in October, 1915; to the Committee on Military Affairs.

Also, petition of the Central Federated Union, of New York City, in favor of the passage of the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Grand Council of Ohio, United Commercial Travelers of America, in favor of the creation of a coast guard; to the Committee on Interstate and Foreign Commerce.

Also, petition of Ray G. Kumler and 38 other citizens of Degraff, Ohio, in favor of House joint resolution 168, relative to nation-wide prohibition; to the Committee on Rules.

Also, petition of M. F. Hawley and 40 other citizens of Rosewood, Ohio, in favor of House joint resolution 168, providing for nation-wide prohibition; to the Committee on Rules.

Also, petition of C. G. Leiter and other members of the Christian Endeavor Society of Mount Gilead, Ohio, in favor of the adoption of House joint resolution 168, relative to nation-wide prohibition; to the Committee on Rules.

Also, petition of Z. E. Kelley and other members of the Christian Endeavor Society of the First Church of Christ of Findlay, Ohio, in favor of House joint resolution 168, relative to nation-wide prohibition; to the Committee on Rules.

Also, petition of the Department Veteran Army of the Philippines, relative to the improvement of the civil service in the Philippines; to the Committee on Insular Affairs.

Also, petition of W. A. Brand Post, No. 98, Department of Ohio, Grand Army of the Republic, in favor of Federal appropriation in aid of the national celebration and peace jubilee to be held at Vicksburg, Miss., in October, 1915; to the Committee on Military Affairs.

SENATE.

MONDAY, August 31, 1914.

(Legislative day of Tuesday, August 25, 1914.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 6357) to authorize the establishment of a bureau of war risk insurance in the Treasury Department, with amendments, in which it requested the concurrence of the Senate.

PROPOSED ANTITRUST LEGISLATION.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes.

Mr. CULBERSON. Mr. President, I submit a proposal for a unanimous-consent agreement.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brady	Fletcher	Martin, Va.	Shafroth
Bryan	Gallinger	Martine, N. J.	Sheppard
Burton	Hitchcock	Myers	Simmons
Chamberlain	Hollis	Nelson	Smoot
Chilton	Hughes	O'Gorman	Sterling
Clapp	Jones	Overman	Swanson
Culbertson	Kern	Perkins	Thomas
Cummins	McCumber	Pomerene	Thornton
Dillingham	McLean	Reed	White

Mr. DILLINGHAM. My colleague [Mr. PAGE] is still detained in Vermont on account of illness in his family.

The VICE PRESIDENT. Thirty-six Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. OLIVER, Mr. SMITH of Michigan, Mr. THOMPSON, Mr. TOWNSEND, Mr. VARDAMAN, and Mr. WILLIAMS answered to their names when called.

Mr. NORRIS, Mr. CLARKE of Arkansas, and Mr. RANDELL entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-five Senators have answered to the roll call. There is not a quorum present. The Sergeant at Arms will carry out the instructions of the Senate heretofore given, and request the attendance of absent Senators.

Mr. BANKHEAD, Mr. COLT, Mr. GORE, Mr. SHIVELY, Mr. LANE, and Mr. PITTMAN entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present. The Secretary will state the unanimous-consent agreement.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 2 o'clock p. m. on Monday, August 31, 1914, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, through the regular parliamentary stages to its final disposition; and that after the hour of 2 o'clock p. m. on said day, August 31, 1914, no Senator shall speak more than once or longer than 15 minutes upon the bill or upon any amendment offered thereto.

The VICE PRESIDENT. Is there any objection?

Mr. REED. I suggest to the author of the unanimous-consent agreement that he make it 4 o'clock instead of 2.

Mr. CULBERSON. The change may be made, Mr. President. I accept it with pleasure.

Mr. REED. I make the further suggestion that the limitation which provides that no one shall speak more than once be amended so that the author of an amendment may be permitted to speak twice, but not to consume in the aggregate more than 20 minutes.

Mr. CULBERSON. That is satisfactory to me.

Mr. CUMMINS. Mr. President, I should like to have the first part of the agreement as to the time of voting again stated.

The VICE PRESIDENT. The Secretary will restate the part of the agreement to which the Senator from Iowa refers.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 4 o'clock p. m. on Monday, August 31, 1914, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes.

Mr. CUMMINS. My inquiry is this: After 4 o'clock can we discuss amendments offered to the bill?

Mr. GALLINGER. Oh, yes.

The VICE PRESIDENT. The Secretary did not state the entire proposed agreement.